



Reprinted
April 10, 2007

ENGROSSED SENATE BILL No. 463

DIGEST OF SB 463 (Updated April 9, 2007 9:29 pm - DI 96)

Citations Affected: IC 4-5; IC 6-6; IC 9-13; IC 9-14; IC 9-18; IC 9-23; IC 9-24; IC 9-29; IC 9-30; IC 23-2; noncode.

Synopsis: Bureau of motor vehicles matters. Provides that the bureau of motor vehicles (bureau) may no longer collect a transaction fee on credit card transactions. Changes the pro rata reductions in registration fees and excise taxes for automobiles registered after the owners' regular registration dates from a 10 month schedule to a 12 month schedule. Makes certain changes concerning the contents of and application procedure for a driver's license, learner's permit, or identification card (card) to comply with federal law. Provides for varying expiration dates for a driver's license, learner's permit, and card based on the holder's lawful status in the United States. Requires that an application for a driver's license, permit, or card by a person who does not have a Social Security number must include a verification of
(Continued next page)

Effective: Upon passage; July 1, 2007.

Heinold, Wyss, Paul
(HOUSE SPONSORS — TINCHER, RUPPEL)

January 11, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
February 15, 2007, amended, reported favorably — Do Pass.
February 19, 2007, read second time, ordered engrossed. Engrossed.
February 22, 2007, read third time, passed. Yeas 47, nays 2.

HOUSE ACTION

February 27, 2007, read first time and referred to Committee on Roads and Transportation.
April 5, 2007, amended, reported — Do Pass.
April 9, 2007, read second time, amended, ordered engrossed.

ES 463—LS 7579/DI 96+



C
o
p
y

the applicant's: (1) ineligibility for a Social Security number; and (2) identity and lawful status in the United States. Authorizes the bureau to adopt rules regarding temporary invalidation of a card if the bureau believes that the card was issued based on fraudulent documentation. Authorizes: (1) a law enforcement officer to issue an electronic traffic ticket in lieu of a paper ticket; and (2) the transmission of an electronic traffic ticket to a court under certain conditions. Allows an electronic traffic ticket to be admissible in a court proceeding under certain circumstances. Adds advance practice nurses to the list of professionals who may certify an individual as being severely restricted in mobility for purposes of issuance of a parking placard for a person with physical disabilities. Provides that an individual participating in the address confidentiality program may provide to the bureau an address designated by the attorney general as the principal residence address. Authorizes the bureau to adopt a written exceptions process to create exceptions for the issuance of driver's licenses, permits, and cards when certain documentary evidence is lacking. Provides that an individual may not hold a driver's license and a card at the same time. Requires that a license plate for a passenger car display a numeral that indicates the county in which the passenger car was registered, and states specifications for the size and placement of the county indicator numeral. Replaces the commissioner of the bureau as the chairman of the motor vehicle sales advisory board (board) and transfers administrative control of the board to the secretary of state. Requires certain civil penalties collected for violations related to the board to be deposited into the securities division enforcement account. Makes other changes and conforming amendments. Makes technical corrections.

**C
o
p
y**



Reprinted
April 10, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 463

A BILL FOR AN ACT to amend the Indiana Code concerning
motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-5-1-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 11. The secretary of state may adopt and enforce**
4 **rules under IC 4-22-2 that are necessary to carry out:**

- 5 (1) **IC 9-23-1;**
6 (2) **IC 9-23-2;**
7 (3) **IC 9-23-3; and**
8 (4) **IC 9-23-6.**

9 SECTION 2. IC 6-6-5-7 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) In respect to a vehicle that has
11 been acquired, or brought into the state, or for any other reason
12 becomes subject to registration after the regular annual registration
13 date in the year on or before which the owner of the vehicle is required,
14 under the motor vehicle registration laws of Indiana, to register
15 vehicles, the tax imposed by this chapter shall become due and payable
16 at the time the vehicle is acquired, brought into the state, or otherwise
17 becomes subject to registration and the amount of tax to be paid by the

ES 463—LS 7579/DI 96+



C
o
p
y

owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(b) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(c) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(d) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter, shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(e) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a

**C
o
p
y**



1 replacement vehicle for which a credit is issued under this section,
 2 shall receive a refund in an amount equal to ten percent (10%) of the
 3 tax paid for each full calendar month remaining in the registrant's
 4 annual registration year after the date of destruction, but only upon
 5 presentation or return to the bureau of the following:

- 6 (1) A request for refund on a form furnished by the bureau.
- 7 (2) A statement of proof of destruction on an affidavit furnished
- 8 by the bureau.
- 9 (3) The license plate from the vehicle.
- 10 (4) The registration from the vehicle.

11 However, the refund may not exceed ninety percent (90%) of the tax
 12 paid on the destroyed vehicle. The amount shall be refunded by a
 13 warrant issued by the auditor of the county that received the excise tax
 14 revenue and shall be paid out of the special account created for
 15 settlement of the excise tax collections under IC 6-6-5-10. For purposes
 16 of this subsection, a vehicle is considered destroyed if the cost of repair
 17 of damages suffered by the vehicle exceeds the vehicle's fair market
 18 value.

19 (f) If the name of the owner of a vehicle is legally changed and the
 20 change has caused a change in the owner's annual registration date, the
 21 excise tax liability of the owner shall be adjusted as follows:

- 22 (1) If the name change requires the owner to register sooner than
- 23 the owner would have been required to register if there had been
- 24 no name change, the owner shall, at the time the name change is
- 25 reported, be authorized a refund from the county treasurer in the
- 26 amount of the product of:

27 (A) ten percent (10%) of the owner's last preceding annual
 28 excise tax liability; and

29 (B) the number of full calendar months between the owner's
 30 new regular annual registration month and the next succeeding
 31 regular annual registration month that is based on the owner's
 32 former name.

- 33 (2) If the name change required the owner to register later than
- 34 the owner would have been required to register if there had been
- 35 no name change, the vehicle shall be subject to excise tax for the
- 36 period between the month in which the owner would have been
- 37 required to register if there had been no name change and the new
- 38 regular annual registration month in the amount of the product of:

39 (A) ten percent (10%) of the owner's excise tax liability
 40 computed as of the time the owner would have been required
 41 to register if there had been no name change; and

42 (B) the number of full calendar months between the month in

C
o
p
y



1 which the owner would have been required to register if there
 2 had been no name change and the owner's new regular annual
 3 registration month.

4 (g) In order to claim a credit under subsection (e) for a vehicle that
 5 is destroyed, the owner of the vehicle must present to the bureau of
 6 motor vehicles a valid registration for the vehicle within ninety (90)
 7 days of the date that it was destroyed. The bureau shall then fix the
 8 amount of the credit that the owner is entitled to receive.

9 **(h) This section expires December 31, 2007.**

10 SECTION 3. IC 6-6-5-7.2 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2007]: **Sec. 7.2. (a) This section applies after December 31, 2007.**

13 **(b) In respect to a vehicle that has been acquired, or brought**
 14 **into the state, or for any other reason becomes subject to**
 15 **registration after the regular annual registration date in the year**
 16 **on or before which the owner of the vehicle is required, under the**
 17 **motor vehicle registration laws of Indiana, to register vehicles, the**
 18 **tax imposed by this chapter shall become due and payable at the**
 19 **time the vehicle is acquired, brought into the state, or otherwise**
 20 **becomes subject to registration, and the amount of tax to be paid**
 21 **by the owner for the remainder of the year shall be reduced by**
 22 **eight and thirty-three hundredths percent (8.33%) for each full**
 23 **calendar month that has elapsed since the regular annual**
 24 **registration date in the year fixed by the motor vehicle registration**
 25 **laws for annual registration by the owner. The tax shall be paid at**
 26 **the time of the registration of the vehicle.**

27 **(c) In the case of a vehicle that is acquired, or brought into the**
 28 **state, or for any other reason becomes subject to registration after**
 29 **January 1 of any year, then the owner may pay the applicable**
 30 **registration fee on the vehicle as provided in the motor vehicle**
 31 **registration laws and any excise tax due on the vehicle for the**
 32 **remainder of the annual registration year and simultaneously**
 33 **register the vehicle and pay the applicable registration fee and the**
 34 **excise tax due for the next succeeding annual registration year.**

35 **(d) Except as provided in subsection (f), no reduction in the**
 36 **applicable annual excise tax will be allowed to an Indiana resident**
 37 **applicant upon registration of any vehicle that was owned by the**
 38 **applicant on or prior to the registrant's annual registration period.**
 39 **A vehicle owned by an Indiana resident applicant that was located**
 40 **in and registered for use in another state during the same calendar**
 41 **year shall be entitled to the same reduction when registered in**
 42 **Indiana.**

C
O
P
Y



(e) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(f) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to eight and thirty-three hundredths percent (8.33%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle

**C
O
P
Y**



exceeds the vehicle's fair market value.

(g) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

(1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's last preceding annual excise tax liability; and

(B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(h) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

SECTION 4. IC 6-6-5-7.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.4. (a) The owner of a vehicle registered with the bureau is entitled to a refund of taxes paid under this chapter if, after the owner's regular registration date:

(1) the owner registers the vehicle for use in another state; and

C
o
p
y



(2) the owner pays tax for use of the vehicle to another state for the same time period which the tax was paid under this chapter.

(b) The refund provided under subsection (a) is equal to:

(1) the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus

(2) ten percent (10%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.

This subsection expires December 31, 2007.

(c) This subsection applies after December 31, 2007. The refund provided under subsection (a) is equal to:

(1) the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus

(2) eight and thirty-three hundredths percent (8.33%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.

(d) To claim the refund provided by this section, the owner of the vehicle must provide the bureau with:

(1) a request for a refund on a form furnished by the bureau; and

(2) proof that a tax described in subsection (a)(2) was paid.

SECTION 5. IC 6-6-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16 in its administration of the motor vehicle registration laws of the state of Indiana. The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:

(1) The excise taxes so collected by each license branch, less any refunds made by the license branch, shall be deposited daily by the license branch in a separate account in a depository duly designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of

C
o
p
y



money withdrawn by the county treasurer under this subsection. Before the eleventh day of the month following the month in which the collections are made, the bureau of motor vehicles shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of this excise tax report to the county auditor of the county.

(2) A license branch shall each week forward a report to the county auditor of the county to whom the collections are due, showing the excise tax collected on each vehicle, each refund on a vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each license branch shall also report to the bureau all excise taxes collected and refunds made under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by license branches against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all branches at its discretion. At the discretion of the bureau, the bureau may:

(A) self-insure to cover the activities of the license branches; or

(B) rather than purchase a bond or crime policy for each branch, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all branches.

(5) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered upon which an excise tax is collected by that branch.

(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in subdivision (7), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18

**C
o
p
y**



and pay the tax due under this chapter; and
 (B) during any time after the date by which the vehicle was
 required to be registered under IC 9-18 displays on the vehicle
 a license plate issued by another state.

The total amount collected by the department that represents
 interest or a penalty, minus a reasonable amount determined by
 the department to represent its administrative expenses, shall be
 deposited in the state general fund for the credit of the county in
 which the person resides. The amount shall be reported to the
 bureau of motor vehicles on the first working day following the
 week of collection.

The bureau may contract with a bank card or credit card vendor for
 acceptance of bank or credit cards. ~~However, if there is a vendor~~
~~transaction charge or discount fee, whether billed to the bureau or~~
~~charged directly to the bureau's account, the bureau shall collect from~~
~~the person using the card an official fee that may not exceed the highest~~
~~transaction charge or discount fee charged to the bureau by bank or~~
~~credit card vendors during the most recent collection period. This fee~~
~~may be collected regardless of retail merchant agreements between the~~
~~bank and credit card vendors that may prohibit such a fee. The fee is a~~
~~permitted additional charge under IC 24-4.5-3-202.~~

(b) On or before April 1 of each year the bureau shall provide to the
 auditor of state the amount of motor vehicle excise taxes collected for
 each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor
 of state shall distribute to each county one-half (1/2) of:

- (1) the amount of delinquent taxes; and
- (2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is
 appropriated from the state general fund the amount necessary to make
 the distributions required by this subsection. The county auditor shall
 apportion and distribute the delinquent tax distributions to the taxing
 units in the county at the same time and in the same manner as excise
 taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the
 bonds or crime policies required by this section.

SECTION 6. IC 9-13-2-48 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 48. "Driver's license"
 means any type of license ~~or privilege to operate a motor vehicle issued~~
~~under the laws of a jurisdiction. issued by the state authorizing an~~
individual to operate a motor vehicle on public streets, roads, or
highways.

C
o
p
y



SECTION 7. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 49.5. "Electronic traffic ticket", for purposes of IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.**

SECTION 8. IC 9-13-2-74.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 74.5. "Identification card" means an identification document issued by a state government for purposes of identification.**

SECTION 9. IC 9-13-2-123.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 123.5. "Permit" means any kind of permit issued by the state authorizing an individual to operate a motor vehicle on public streets, roads, or highways.**

SECTION 10. IC 9-14-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. As used in this chapter, "personal information" means information that identifies a person, including an individual's:

- (1) **digital** photograph; ~~or computerized image;~~
- (2) Social Security number;
- (3) driver's license or identification document number;
- (4) name;
- (5) address (but not the 5-digit zip code);
- (6) telephone number; or
- (7) medical or disability information.

The term does not include information about vehicular accidents, driving or equipment related violations, and operator's license or registration status.

SECTION 11. IC 9-14-3.5-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) Except as provided in subsections (b) and (c), the bureau may not disclose the following personal information from a person's motor vehicle record:

- (1) Driver's license **or digital** photograph. ~~or computerized image.~~
- (2) Social Security number.
- (3) Medical or disability information.

(b) The bureau may disclose the personal information described in subsection (a) if the bureau has the express written consent of the person to whom the personal information pertains to release the information described in subsection (a).

(c) The bureau may disclose the personal information described in subsection (a) without the express written consent of the person to whom the personal information pertains if the person requesting the

C
o
p
y



information:

- (1) provides proof of identity; and
- (2) represents that the use of the personal information will be strictly limited to at least one (1) of the uses set forth in section 10(1), 10(4), 10(6), and 10(9) of this chapter.

SECTION 12. IC 9-14-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The bureau shall issue a placard to the following:

(1) An individual of any age who:

- (A) has a temporary or permanent physical disability that requires the use of a wheelchair, a walker, braces, or crutches;
- (B) has temporarily or permanently lost the use of one (1) or both legs;

(C) is certified to be severely restricted in mobility, either temporarily or permanently, due to a pulmonary or cardiovascular disability, arthritic condition, or orthopedic or neurological impairment, by:

- (i) a physician having an unlimited license to practice medicine;
- (ii) a physician who is a commissioned medical officer of the armed forces of the United States or of the United States Public Health Service;
- (iii) a physician who is a medical officer of the United States Department of Veterans Affairs;
- (iv) a chiropractor licensed under IC 25-10-1; ~~or~~
- (v) a podiatrist licensed under IC 25-29-1; or
- (vi) an advanced practice nurse licensed under IC 25-23;**

or

(D) is certified by an optometrist or ophthalmologist licensed to practice in Indiana to be blind or visually impaired.

(2) Any corporation, limited liability company, partnership, unincorporated association, and any legal successor of the corporation, limited liability company, partnership, or association, empowered by the state or a political subdivision to operate programs, including the provision of transportation, or facilities for persons with physical disabilities.

SECTION 13. IC 9-18-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsection (b), a license plate issued under section 30 of this chapter:

- (1) must be six (6) inches wide and twelve (12) inches long;
- (2) must display:

C
o
p
y



(A) the registration number assigned to the vehicle for which the plate is issued;

(B) the letters "IN"; and

(C) the year for which the plate is issued;

(3) may have a prefix of at least one (1) letter of the alphabet to designate the type of vehicle registered; and

(4) shall be treated with special reflective material designed to increase the visibility and legibility of the license plate.

The bureau must comply with section 36 of this chapter.

(b) The bureau may issue license plates in a different size or character if the bureau determines that the change is appropriate to effect the proper display of the license plates.

SECTION 14. IC 9-18-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) A license plate issued for a passenger car must display a numeral that indicates the county in which the passenger car was registered.

(b) The numeral described in subsection (a) must be:

(1) two and three-quarters (2 3/4) inches high; and

(2) displayed at the location on the license plate where the county designator was located on January 1, 2007.

The bureau may not alter the size or the position of the county indicator numeral.

SECTION 15. IC 9-23-0.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 0.7. Delegation of the Rights, Duties and Obligations of the Secretary of State

Sec. 1. The secretary of state may delegate any or all of the rights, duties, or obligations of the secretary of state under this article to:

(1) the securities commissioner appointed under IC 23-2-1-15; or

(2) another designee under the supervision and control of the secretary of state.

The individual delegated shall have the authority to adopt rules pursuant to IC 4-22-2 as the secretary of state under IC 4-5-1-11.

SECTION 16. IC 9-23-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The motor vehicle sales advisory board is established to advise the ~~bureau~~ **secretary of state** in the administration of this article.

SECTION 17. IC 9-23-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The advisory

C
o
p
y



board is composed of the ~~commissioner~~ **secretary of state** and eight (8) persons appointed by the governor **upon the recommendation of the secretary of state** as follows:

(1) Two (2) of the appointed members must be franchised new motor vehicle dealers as follows:

(A) One (1) member must have sold less than seven hundred fifty (750) new motor vehicles in the year before the member's appointment.

(B) One (1) member must have sold more than seven hundred forty-nine (749) new motor vehicles in the year before the member's appointment.

(2) Two (2) of the appointed members must represent the automobile manufacturing industry and must have been Indiana residents for a period of two (2) years immediately preceding their appointment.

(3) Two (2) of the appointed members must represent the general public and may not have any direct interest in the manufacture or sale of motor vehicles.

(4) One (1) member must represent used motor vehicle dealers that are not franchised new motor vehicle dealers.

(5) One (1) member must represent used motor vehicle auctioneers.

(b) Not more than four (4) members of the board may be of the same political party.

SECTION 18. IC 9-23-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The ~~commissioner~~ **secretary of state** shall serve as chairman of the advisory board. The advisory board shall elect a vice chairman and secretary from the appointed members during the first month of each year. The vice chairman and secretary serve until their successors are duly appointed and qualified and may be removed for good cause.

SECTION 19. IC 9-23-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The advisory board shall meet during the first month of each year. Additional meetings may be convened at the call of the ~~commissioner~~ **secretary of state** or the written request of any three (3) members.

SECTION 20. IC 9-23-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The advisory board is vested with the following powers:

(1) To consult with and advise the ~~bureau~~ **secretary of state**.

(2) To suggest rules, including the following:

(A) The contents of forms.

C
o
p
y



(B) Methods and procedures for the investigation and evaluation of the qualifications of applicants for licenses.

(C) The criteria upon which to issue, deny, suspend, and revoke licenses.

(D) Procedures for the investigation into and conduct of hearings on unfair practices.

SECTION 21. IC 9-23-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An application for a license under this chapter must:

(1) be accompanied by the fee required under IC 9-29-8;

(2) be on a form prescribed by the ~~bureau~~ **secretary of state**; and

(3) contain the information the ~~bureau~~ **secretary of state** considers necessary to enable the ~~bureau~~ **secretary of state** to determine fully the following information:

(A) The qualifications and eligibility of the applicant to receive the license.

(B) The location of each of the applicant's places of business in Indiana.

(C) The ability of the applicant to conduct properly the business for which the application is submitted.

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.

(c) An applicant who proposes to use the Internet or other computer network in aid of its sale of motor vehicles to consumers in Indiana, which activities may result in the creation of business records outside Indiana, shall provide the division with the name, address, and telephone number of the person who has control of those business records. The ~~bureau~~ **secretary of state** may not issue a license to a dealer who transacts business in this manner who does not have an established place of business in Indiana.

(d) This subsection applies to an application for a license as a dealer in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000). The application must include an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the ~~bureau~~ **secretary of state** may not issue a

C
o
p
y



license until the applicant files the affidavit.

SECTION 22. IC 9-23-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A manufacturer, distributor, factory branch, distributor branch, or dealer proposing to sell new motor vehicles shall file and maintain with the ~~bureau~~ **secretary of state** a current copy of each franchise to which the person is a party, or, if multiple franchises are identical except for stated items, a copy of the form franchise with supplemental schedules of variations from the form.

SECTION 23. IC 9-23-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The license issued to a factory branch, a distributor branch, an automobile auctioneer, a transfer dealer, or a dealer under this chapter must specify the location of each place of business and shall be conspicuously displayed at each business location.

(b) If a business name or location is changed, the holder shall notify the ~~bureau~~ **secretary of state** within ten (10) days and remit the fee required under IC 9-29-8. The ~~bureau~~ **secretary of state** shall endorse that change on the license if the ~~bureau~~ **secretary of state** determines that the change is not subject to other provisions of this article.

(c) A dealer who uses the Internet or other computer network to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the ~~bureau~~ **secretary of state** within ten (10) days upon any change in the name, address, or telephone number of business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee required under IC 9-29-8-5.

(d) This subsection applies to a dealer in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000). A dealer who wants to change a location must submit to the ~~bureau~~ **secretary of state** an application for approval of the change. The application must be accompanied by an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The ~~bureau~~ **secretary of state** may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit.

(e) For the purpose of this section, an offsite license issued under

C
o
p
y



section 7 of this chapter does not constitute a change of location.

SECTION 24. IC 9-23-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The license issued to a factory representative or distributor representative must state the name of the employer. Within ten (10) days after a change of employer, the holder shall mail the license to the ~~bureau~~ **secretary of state** and indicate the name and address of the holder's new employer. The ~~bureau~~ **secretary of state** shall endorse the change on the license and return the license to the licensee in care of the licensee's new employer. A factory representative, distributor representative, or wholesale dealer must have a license when engaged in business and shall display the license upon request. A temporary license for a factory representative or distributor representative may be issued for a period up to one hundred twenty (120) days pending investigation by the ~~bureau~~ **secretary of state** of the applicant's qualification for a license.

SECTION 25. IC 9-23-2-7, AS AMENDED BY P.L.63-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as provided in subsections (b) through (g), the ~~bureau~~ **secretary of state** shall issue an offsite sales license to a dealer licensed under this chapter who submits an application for the license not later than ten (10) business days or two (2) calendar weeks before the offsite sale date. License applications under this section shall be made public upon the request of any person.

(b) The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a dealer who does not have an established place of business within Indiana.

(c) The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a licensed dealer proposing to conduct the sale outside a radius of twenty (20) miles from its established place of business. This subsection does not apply to:

- (1) new manufactured housing dealers;
- (2) recreational vehicle dealers; or
- (3) a rental company that is a dealer conducting a sale at a site within twenty (20) miles of any of its company owned affiliates.

(d) A vehicle display is not considered an offsite sale if it is conducted by a new vehicle franchised dealer in an open area where no sales personnel and no sales material are present.

(e) The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a licensed dealer proposing to conduct the offsite sale for more than ten (10) calendar days.

(f) As used in this subsection, "executive" has the meaning set forth in IC 36-1-2-5. The ~~bureau~~ **secretary of state** may not issue an offsite

C
o
p
y



1 sales license to a licensed dealer if the dealer does not have
 2 authorization that the offsite sale would be in compliance with local
 3 zoning ordinances or other local ordinances. Authorization under this
 4 subsection may only be obtained from the following:

5 (1) If the offsite sale would be located within the corporate
 6 boundaries of a city or town, the executive of the city or town.

7 (2) If the offsite sale would be located outside the corporate
 8 boundaries of a city or town:

9 (A) except as provided in clause (B), the executive of the
 10 county; or

11 (B) if the city or town exercises zoning jurisdiction under
 12 IC 36-7-4-205(b) over the area where the offsite sale would be
 13 located, the executive of the city or town.

14 (g) The ~~bureau~~ **secretary of state** may not issue an offsite sales
 15 license to a licensed dealer who has held more than three (3)
 16 nonconsecutive offsite sales in the year ending on the date of the offsite
 17 sale for which the current license application is being submitted.

18 (h) The requirements of section 2(c) of this chapter do not apply to
 19 the application or issuance of an offsite sales license under this section.

20 SECTION 26. IC 9-23-2-11 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. A person who
 22 ceases a business activity for which a license was issued under this
 23 chapter shall do the following:

24 (1) Notify the ~~bureau~~ **secretary of state** of the date that the
 25 business activity will cease.

26 (2) Deliver all permanent dealer license plates and interim license
 27 plates issued to the person to the bureau within ten (10) days of
 28 the date the business activity will cease.

29 SECTION 27. IC 9-23-2-13 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. Except as provided
 31 in IC 9-29-1-5, all revenues accruing to the ~~bureau~~ **secretary of state**
 32 under this article shall be deposited in the motor vehicle highway
 33 account. All necessary expenses incurred and all compensation paid by
 34 the ~~bureau~~ **secretary of state** for administering this article shall be paid
 35 out of funds appropriated from the motor vehicle highway account for
 36 this purpose.

37 SECTION 28. IC 9-23-2-14, AS AMENDED BY P.L.210-2005,
 38 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2007]: Sec. 14. (a) A license issued under this chapter may be
 40 denied, suspended, or revoked for any of the following:

41 (1) Material misrepresentation in the application for the license
 42 or other information filed with the ~~commissioner~~ **secretary of**

C
o
p
y



1 **state.**

2 (2) Lack of fitness under the standards set forth in this article or
3 a rule adopted by the ~~commissioner~~ **secretary of state** under this
4 article.

5 (3) Willful failure to comply with the provisions of this article or
6 a rule adopted by the ~~commissioner~~ **secretary of state** under this
7 article.

8 (4) Willful violation of a federal or state law relating to the sale,
9 distribution, financing, or insuring of motor vehicles.

10 (5) Engaging in an unfair practice as set forth in this article or a
11 rule adopted by the ~~commissioner~~ **secretary of state** under this
12 article.

13 (6) Violating IC 23-2-2.7.

14 Except as provided in subsection (d), the procedures set forth in
15 IC 4-21.5 govern the denial, suspension, or revocation of a license and
16 a judicial review. A denial, suspension, or revocation of a license takes
17 effect after the ~~commissioner~~ **secretary of state** makes a determination
18 and notice of the determination has been served upon the affected
19 person.

20 (b) If the ~~bureau~~ **secretary of state** denies, suspends, or revokes a
21 license issued or sought under this article, the affected person may file
22 an action in the circuit court of Marion County, Indiana, or the circuit
23 court of the Indiana county in which the person's principal place of
24 business is located, seeking a judicial determination as to whether the
25 action is proper. The filing of an action as described in this section
26 within the thirty (30) day period is an automatic stay of the
27 ~~commissioner's~~ **secretary of state's** determination.

28 (c) Revocation or suspension of a license of a manufacturer, a
29 distributor, a factory branch, a distributor branch, a dealer, or an
30 automobile auctioneer may be limited to one (1) or more locations, to
31 one (1) or more defined areas, or only to certain aspects of the business.

32 (d) A license may be denied, suspended, or revoked for violating
33 IC 9-19-1. IC 4-21.5-4 governs the denial, suspension, or revocation of
34 a license under this subsection. The ~~bureau~~ **secretary of state** may
35 issue a temporary order to enforce this subsection.

36 SECTION 29. IC 9-23-2-16, AS ADDED BY P.L.156-2006,
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2007]: Sec. 16. (a) A person licensed under this article shall
39 be issued a special event permit from the ~~bureau~~ **secretary of state** for
40 a special event meeting the following conditions:

41 (1) The event is a vehicle auction conducted by auctioneers
42 licensed under IC 25-6.1-3.

C
o
p
y



(2) The vehicles to be auctioned are:

(A) at least fifteen (15) years old; or

(B) classified as classic, collector, or antique vehicles under rules adopted by the ~~bureau~~ **secretary of state**.

(3) At least one hundred (100) vehicles will be auctioned during the special event.

(4) An application for a special event permit has been submitted to the ~~bureau~~ **secretary of state** not later than thirty (30) days before the beginning date of the special event.

(5) The application is accompanied by the permit fee required under IC 9-29-8-6.5.

(b) Not more than two (2) special event permits may be issued by the ~~bureau~~ **secretary of state** within a twelve (12) month period to the same applicant.

SECTION 30. IC 9-23-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section does not authorize a manufacturer or distributor and its franchisees in Indiana to establish a uniform hourly labor reimbursement rate effective for the entire state.

(b) It is an unfair practice for a manufacturer or distributor to fail to compensate to a dealer the posted hourly labor rate for the work and services the dealer is required to perform in connection with the dealer's delivery and preparation obligations under any franchise or fail to compensate to a dealer the posted hourly labor rate for labor and other expenses incurred by the dealer under the manufacturer's warranty agreements as long as the posted rate is reasonable. Judgment of the reasonableness includes consideration of charges for similar repairs by comparable repair facilities in the local area as well as mechanic's wages and fringe benefits.

(c) A manufacturer or distributor and at least thirty percent (30%) of its franchisees in Indiana of the same line make may agree in an express written contract citing this section to a uniform warranty reimbursement policy to be used by franchisees for the performance of warranty repairs. The contract must include the reimbursement for parts used in warranty repairs or the use of a uniform time standards manual, or both. The allowance for diagnosis within the uniform time standards manual must be reasonable and adequate for the work and service to be performed. The manufacturer or distributor shall have:

(1) only one (1) agreement with each line make; and

(2) a reasonable and fair procedure for franchisees to request a modification or adjustment of a standard included in the uniform time standards manual.

C
o
p
y



(d) A contract described in subsection (c) must meet the following criteria:

(1) Establish a uniform parts reimbursement rate that must be greater than the manufacturer's or distributor's nationally established parts reimbursement rate in effect at the time the contract becomes effective. A subsequent contract must include a uniform reimbursement rate that is equal to or greater than the rate in the immediately prior contract.

(2) Apply to all warranty repair orders written while the agreement is in effect.

(3) At any time during the period the contract is in effect:

(A) be available to any franchisee of the same line make as the franchisees who entered into the contract with the manufacturer or distributor; and

(B) be available to the franchisee of the same line make on the same terms as apply to the franchisees who entered into the contract with the manufacturer or distributor.

(4) Be for a term not to exceed three (3) years.

(5) Allow any party to the uniform warranty reimbursement policy to terminate the policy with thirty (30) days prior written notice to all parties upon the annual anniversary of the policy, if the policy is for at least one (1) year.

(6) Remain in effect for the entire life of the original period if the manufacturer and at least one (1) franchisee remain parties to the policy.

(e) A manufacturer or distributor that enters into a contract with its franchisees under subsection (c) may only seek to recover its costs from a franchisee that receives a higher reimbursement rate, if authorized by law, subject to the following:

(1) Costs may be recovered only by increasing invoice prices on new vehicles received by the franchisee.

(2) A manufacturer or distributor may make an exception for vehicles that are titled in the name of a purchaser in another state. However, price increases imposed for the purpose of recovering costs imposed by this section may vary from time to time and from model to model and must apply uniformly to all franchisees of the same line make that have requested reimbursement for warranty repairs at a level higher than provided for in the agreement.

(f) A manufacturer or distributor that enters into a contract with its franchisees under subsection (c) shall do the following:

(1) Certify to the ~~bureau~~ **secretary of state** under oath, in a

C
o
p
y



1 writing signed by a representative of the manufacturer or
 2 distributor, that at the time the contract was entered into at least
 3 thirty percent (30%) of the franchisees of the line make were
 4 parties to the contract.

5 (2) File a copy of the contract with the bureau at the time of the
 6 certification.

7 (3) Maintain a file that contains the information upon which the
 8 certification required under subdivision (1) is based for three (3)
 9 years after the certification is made.

10 SECTION 31. IC 9-23-6-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person who
 12 violates this article or a rule or order of the ~~bureau~~ **secretary of state**
 13 issued under this article is subject to a civil penalty of not less than fifty
 14 dollars (\$50) and not more than one thousand dollars (\$1,000) for each
 15 day of violation and for each act of violation, as determined by the
 16 court. All civil penalties recovered under this article shall be paid to the
 17 state **and deposited into the securities division enforcement account**
 18 **established under IC 23-2-1-15(c).**

19 SECTION 32. IC 9-23-6-5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. In addition to the
 21 penalty imposed under section 4 of this chapter, the bureau may
 22 revoke, **upon request of the secretary of state**, a dealer permanent or
 23 interim license plate that was issued to the violator.

24 SECTION 33. IC 9-23-6-7 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. Whenever a person
 26 violates this article or a rule or order of the ~~bureau~~ **secretary of state**
 27 issued under this article, the ~~bureau~~ **secretary of state** may institute a
 28 civil action in any circuit or superior court of Indiana for injunctive
 29 relief to restrain the person from continuing the activity or for the
 30 assessment and recovery of the civil penalty provided in section 4 of
 31 this chapter, or both.

32 SECTION 34. IC 9-23-6-8 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. At the request of the
 34 ~~bureau~~, **secretary of state**, the attorney general shall institute and
 35 conduct an action in the name of the state for:

36 (1) injunctive relief or to recover the civil penalty provided by
 37 section 4 of this chapter;

38 (2) the injunctive relief provided by section 6 of this chapter; or

39 (3) both.

40 SECTION 35. IC 9-24-2-3 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The bureau may
 42 not issue a license or permit to the following individuals:

C
o
p
y



(1) An individual whose license issued under Indiana law to operate a motor vehicle as an operator, a chauffeur, or a public passenger chauffeur has been suspended, during the period for which the license was suspended, or to an individual whose license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new license.

(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the public highways.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this chapter to take an examination unless the person successfully passes the examination.

(6) An individual who is required under IC 9-25 to deposit proof of financial responsibility and who has not deposited that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a public highway of Indiana by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-14-12-4 or IC 31-16-12-7 (or IC 31-1-11.5-13 or IC 31-6-6.1-16 before their repeal); or

(B) the Title IV-D agency;

ordering that a driving license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the person's legal status in the United States, as required by IC 9-24-9-2.5.

(b) An individual subject to epileptic seizures may not be denied a license under this section if the individual presents a statement from a licensed physician that the individual is under medication and is free from seizures while under medication.

SECTION 36. IC 9-24-9-2, AS AMENDED BY P.L.123-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. **(a) Before January 1, 2008**, each application for a license or permit under this chapter must require the following information:

C
o
p
y



(1) The name, date of birth, sex, Social Security number, and mailing address, and, if different from the mailing address, the residence address of the applicant. The applicant shall indicate to the bureau:

(A) which address the license or permit shall contain; and

(B) whether the Social Security number or another distinguishing number shall be the distinctive identification number used on the license or permit.

(2) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.

(3) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

(4) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(5) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

The bureau shall maintain records of the information provided under subdivisions (1) through (5).

(b) Except as provided in subsection (c), after December 31, 2007, each application for a license or permit under this chapter must require the following information:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

(7) Whether the applicant has been subject to fainting spells or seizures.

(8) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what

C
o
p
y



state.

(9) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

(10) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(11) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

(12) The signature of the applicant.

The bureau shall maintain records of the information provided under subdivisions (1) through (12).

(c) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

SECTION 37. IC 9-24-9-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. In addition to the information required from the applicant for a license or permit under sections 1 and 2 of this chapter, the bureau shall require an applicant to present to the bureau valid documentary evidence that the applicant:

- (1) is a citizen or national of the United States;
- (2) is an alien lawfully admitted for permanent or temporary residence in the United States;
- (3) has conditional permanent resident status in the United States;
- (4) has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (5) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (6) has a pending application for asylum in the United States;
- (7) has a pending or approved application for temporary protected status in the United States;
- (8) has approved deferred action status; or
- (9) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the

C
o
p
y



1 **United States.**

2 SECTION 38. IC 9-24-11-3, AS AMENDED BY P.L.156-2006,
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2007]: Sec. 3. (a) A license issued to an individual less than
5 eighteen (18) years of age is a probationary license.

6 (b) An individual holds a probationary license subject to the
7 following conditions:

8 (1) Except as provided in IC 31-37-3, the individual may not
9 operate a motor vehicle during the curfew hours specified in
10 IC 31-37-3-2.

11 (2) During the ninety (90) days following the issuance of the
12 probationary license, the individual may not operate a motor
13 vehicle in which there are passengers unless another individual
14 who:

15 (A) is at least twenty-one (21) years of age; and

16 (B) holds a valid operator's license issued under this article;
17 is present in the front seat of the motor vehicle.

18 (3) The individual may operate a motor vehicle only if the
19 individual and each occupant of the motor vehicle has a safety
20 belt properly fastened about the occupant's body at all times when
21 the motor vehicle is in motion.

22 (c) An individual who holds a probationary license issued under this
23 section may receive an operator's license, a chauffeur's license, a public
24 passenger chauffeur's license, or a commercial driver's license when the
25 individual is at least eighteen (18) years of age.

26 (d) **Except as provided in subsection (e),** a probationary license
27 issued under this section:

28 (1) expires at midnight of the twenty-first birthday of the holder;
29 and

30 (2) may not be renewed.

31 **(e) A probationary license issued under this section to an**
32 **individual who complies with IC 9-24-9-2.5(5) through**
33 **IC 9-24-9-2.5(9) expires:**

34 (1) **at midnight one (1) year after issuance if there is no**
35 **expiration date on the authorization granted to the individual**
36 **to remain in the United States; or**

37 (2) **if there is an expiration date on the authorization granted**
38 **to the individual to remain in the United States, the earlier of**
39 **the following:**

40 (A) **At midnight of the date the authorization to remain in**
41 **the United States expires.**

42 (B) **At midnight of the twenty-first birthday of the holder.**

C
o
p
y



SECTION 39. IC 9-24-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) An individual may not have more than one (1) valid driver's license at a time.

(b) **An individual may not hold a driver's license and an identification card issued under IC 9-24-16 at the same time.**

SECTION 40. IC 9-24-11-5, AS AMENDED BY P.L.37-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) **Except as provided in subsection (i), a permit or license issued under this chapter must bear the distinguishing number assigned to the permittee or licensee, and must contain the following information:**

- (1) The **full legal** name of the permittee or licensee.
 - (2) The date of birth of the permittee or licensee.
 - (3) The ~~mailing~~ address **or of the principal residence address** of the permittee or licensee.
 - (4) ~~a brief description~~ **The hair color and eye color** of the permittee or licensee.
 - (5) The date of issue and expiration date of the permit or license.**
 - (6) The gender of the permittee or licensee.**
 - (7) The unique identifying number of the permit or license.**
 - (8) The weight of the permittee or licensee.**
 - (9) The height of the permittee or licensee.**
 - (10) A reproduction of the signature of the permittee or licensee.**
 - ~~(5)~~ **(11)** If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:
 - (A) eighteen (18) years of age; and
 - (B) twenty-one (21) years of age.
 - ~~(6)~~ **(12)** If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become twenty-one (21) years of age. ~~and~~
 - ~~(7)~~ **(13)** Except as provided in subsection ~~(e)~~ **(b) or (c), for the purpose of identification, a:**
 - ~~(A)~~ photograph; or
 - ~~(B)~~ computerized image; **a digital photograph** of the permittee or licensee.
- and additional information that the bureau considers necessary, including a space for reproduction of the signature of the permittee or licensee. If the permittee or licensee has not indicated to the bureau

C
o
p
y



under IC 9-24-9-2 that the Social Security number shall be the distinguishing number to be used; the Social Security number may not be shown on the permit or license.

(b) In carrying out this section, the bureau shall obtain the equipment necessary to provide the photographs and computerized images for permits and licenses as provided in subsection (a).

~~(c)~~ (b) The following permits or licenses do not require a digital photograph: or computerized image:

(1) Temporary motorcycle learner's permit issued under IC 9-24-8.

(2) Motorcycle learner's permit issued under IC 9-24-8.

~~(3) Operator's license reissued under IC 9-24-12-6.~~

~~(d)~~ (c) The bureau may provide for the omission of a photograph or computerized image from any other license or permit if there is good cause for the omission. **However, a license issued without a digital photograph must include the language described in subsection (f).**

~~(e)~~ (d) The information contained on the permit or license as required by subsection ~~(a)(5)~~ (a)(11) or ~~(a)(6)~~ (a)(12) for a permittee or licensee who is less than twenty-one (21) years of age at the time of issuance shall be printed perpendicular to the bottom edge of prominently on the permit or license.

~~(f)~~ (e) This subsection applies to a permit or license issued after January 1, 2007. If the applicant for a permit or license submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the permit or license to indicate that the applicant has a medical condition of note. The bureau shall include information on the permit or license that briefly describes the medical condition of the holder of the permit or license. The information must be printed in a manner that alerts a person reading the permit or license to the existence of the medical condition. The permittee or licensee is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(f) Any license or permit issued by the state that does not require a digital photograph must include the statement "May not be accepted by any federal agency for federal identification or any other federal purpose."

(g) A license or permit issued by the state to an individual who:

(1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;

(2) has a pending application for asylum in the United States;

C
o
p
y



- 1 **(3) has a pending or approved application for temporary**
 2 **protected status in the United States;**
 3 **(4) has approved deferred action status; or**
 4 **(5) has a pending application for adjustment of status to that**
 5 **of an alien lawfully admitted for permanent residence in the**
 6 **United States or conditional permanent residence status in the**
 7 **United States;**

8 **must be clearly identified as a temporary license or permit. A**
 9 **temporary license or permit issued under this subsection may not**
 10 **be renewed without the presentation of valid documentary**
 11 **evidence proving that the licensee's or permittee's temporary status**
 12 **has been extended.**

13 ~~(g)~~ **(h)** The bureau may adopt rules under IC 4-22-2 to carry out this
 14 section.

15 **(i) For purposes of subsection (a), an individual certified as a**
 16 **program participant in the address confidentiality program under**
 17 **IC 5-26.5 is not required to provide the address of the individual's**
 18 **principal residence, but may provide an address designated by the**
 19 **office of the attorney general under IC 5-26.5 as the address of the**
 20 **individual's principal residence.**

21 SECTION 41. IC 9-24-12-1, AS AMENDED BY P.L.156-2006,
 22 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (b) **and (d)**
 24 and section 10 of this chapter, an operator's license issued under this
 25 article ~~after December 31, 1996, and~~ before January 1, 2006, expires
 26 at midnight of the birthday of the holder that occurs four (4) years
 27 following the date of issuance.

28 (b) Except as provided in sections 10, ~~and 11, and 12~~ of this
 29 chapter, an operator's license issued ~~after December 31, 1996,~~ to an
 30 applicant who is at least seventy-five (75) years of age expires at
 31 midnight of the birthday of the holder that occurs three (3) years
 32 following the date of issuance.

33 (c) Except as provided in subsections (b) and (d) and sections 10,
 34 ~~and 11, and 12~~ of this chapter, after December 31, 2005, an operator's
 35 license issued under this article expires at midnight of the birthday of
 36 the holder that occurs six (6) years following the date of issuance.

37 (d) A probationary operator's license issued under IC 9-24-11-3
 38 expires at midnight of the twenty-first birthday of the holder.

39 SECTION 42. IC 9-24-12-2, AS AMENDED BY P.L.156-2006,
 40 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2007]: Sec. 2. (a) Except as provided in section 10 of this
 42 chapter, a chauffeur's license issued under this article after December

C
o
p
y



31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) After December 31, 2005, and except as provided in subsection (c) and sections 10, ~~and 11~~, **and 12** of this chapter, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(c) Except as provided in subsection (b) and ~~section~~ **sections 10, 11, and 12** of this chapter, a chauffeur's license issued ~~after June 30, 2006~~, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

SECTION 43. IC 9-24-12-3, AS AMENDED BY P.L.41-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. Except as provided in ~~section~~ **sections 11 and 12** of this chapter, a public passenger chauffeur's license issued under this article ~~after December 31, 1996~~, expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

SECTION 44. IC 9-24-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **(a) Except as provided in subsections (b) and (c)**, the application for renewal of:

- (1) an operator's license;
- (2) a motorcycle operator's license;
- (3) a chauffeur's license;
- (4) a public passenger chauffeur's license; or
- (5) an identification card;

under this article may be filed not more than ~~six (6)~~ **twelve (12)** months before the expiration date of the license or identification card held by the applicant.

(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9), an application for renewal of a driver's license in subsection (a)(1), (a)(2), (a)(3), or (a)(4) may be filed not more than one (1) month before the expiration date of the license held by the applicant.

(c) When the applicant complies with IC 9-24-16-3.5(1)(E) through IC 9-24-16-3.5(1)(I), an application for renewal of an identification card in subsection (a)(5) may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.

SECTION 45. IC 9-24-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this

C
o
p
y



section, "good cause" includes the following:

(1) Temporarily residing at least fifty (50) miles outside the boundaries of Indiana.

(2) Serving in the armed forces of the United States.

(b) The bureau may renew a valid Indiana operator's license held by an individual temporarily residing outside Indiana if the applicant does the following:

(1) Shows good cause why the license cannot be renewed within Indiana.

(2) Submits a completed application provided by the bureau and payment of the fee required in IC 9-29-9.

(3) Submits a written affidavit that affirms that no source document upon which the operator's license was issued has changed or been altered since the prior issuance of the operator's license.

(c) The Indiana operator's license of an individual who is temporarily residing outside Indiana remains valid for thirty (30) days beyond the expiration date of that license if the individual meets the following conditions:

(1) Has applied for a renewal of the license.

(2) Has not been denied a renewal of the license by the bureau.

(d) Upon receiving an application for the renewal of an Indiana operator's license from an individual temporarily residing outside Indiana, the bureau shall do the following:

(1) Either renew or deny the renewal of the license within ten (10) days.

(2) Notify the individual of the decision.

(e) When the Indiana operator's license of an individual who is temporarily residing outside Indiana because of service in the armed forces of the United States has expired, the license remains valid for ninety (90) days following the person's discharge from service in the armed forces. To obtain a renewed license, the individual must do the following:

(1) Apply for a renewal of the operator's license during the ninety (90) day period following the individual's discharge.

(2) Show proof of the individual's discharge from service in the armed forces when applying for the renewal.

SECTION 46. IC 9-24-12-7, AS AMENDED BY P.L.156-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as provided in subsection (b) and section 10 of this chapter, a motorcycle operator's license issued ~~after December 31, 1996, and~~ before January 1, 2006, expires at midnight

C
O
P
Y



of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10, ~~and~~ 11, **and 12** of this chapter, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) After December 31, 2005, except as provided in subsection (b) and ~~section~~ **sections 10, 11, and 12** of this chapter, a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

SECTION 47. IC 9-24-12-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12. (a) This section applies to a driver's license issued under:**

- (1) IC 9-24-3;
- (2) IC 9-24-4;
- (3) IC 9-24-5; and
- (4) IC 9-24-8.

(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

- (1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or**
- (2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:**
 - (A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.**
 - (B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.**

SECTION 48. IC 9-24-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. If:

- (1) an individual holding a license or permit issued under this article changes the address shown on the license or permit application; or

**C
o
p
y**



(2) the name of a licensee or permittee is changed by marriage or otherwise;
 the licensee or permittee shall immediately notify the bureau in writing of the licensee's or permittee's old and new address or of the former name and new name and the number of the license or permit held by the licensee or permittee: **make application for a duplicate driver's license or permit under IC 9-24-9 containing the correct information within thirty (30) days of the change.**

SECTION 49. IC 9-24-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The bureau shall issue an identification card to an individual who meets the following conditions:

(1) Makes an application.

(2) Is a resident of Indiana.

(3) Has presented valid documentary evidence to the bureau of the individual's legal status in the United States, as required by section 3.5 of this chapter.

SECTION 50. IC 9-24-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. **(a) Before January 1, 2008**, an application for an identification card issued under this chapter must meet the following conditions:

(1) Made upon an approved form provided by the bureau, which shall include the mailing address, and if different from the mailing address, the residence address of the applicant.

(2) Verified by the applicant before a person authorized to administer oaths and affirmations.

(b) Except as provided in subsection (e), after December 31, 2007, an application for an identification card issued under this chapter must require the following information concerning an applicant:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

The bureau shall maintain records of the information provided

C
o
p
y



under subdivisions (1) through (6).

(c) The bureau may temporarily invalidate an identification card that it believes to have been issued as a result of fraudulent documentation.

(d) The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and

(2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

(e) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

SECTION 51. IC 9-24-16-3, AS AMENDED BY P.L.37-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) **Except as provided in subsection (g),** the front side of an identification card must contain the **expiration date of the identification card and the** following information about the individual to whom the card is being issued:

(1) Full legal name.

(2) ~~Mailing address and, if different from the mailing address, The address of the principal residence. address.~~

(3) Date of birth.

(4) Date of issue and date of expiration.

(5) ~~Distinctive Unique~~ identification number. ~~or Social Security number, whichever is requested by the individual. If the individual has not requested that the Social Security number be the distinctive identification number to be used, the Social Security number may not be shown on the identification card.~~

(6) ~~Sex.~~ Gender.

(7) Weight.

(8) Height.

(9) Color of eyes and hair.

(10) Reproduction of the signature of the individual identified.

(11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).

C
o
p
y



(12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

(14) **Digital photograph or computerized image of the individual.**

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed **perpendicular to the bottom edge of prominently on** the permit or license.

(d) ~~This subsection applies to an identification card issued after January 1, 2007.~~ If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(e) **An identification card issued by the state that does not require a digital photograph must include the statement "May not be accepted by any federal agency for federal identification or any other federal purpose."**

(f) **An identification card issued by the state to an individual who:**

- (1) **has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;**
- (2) **has a pending application for asylum in the United States;**
- (3) **has a pending or approved application for temporary protected status in the United States;**
- (4) **has approved deferred action status; or**
- (5) **has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the**

C
o
p
y



1 United States;
 2 must be clearly identified as a temporary identification card. A
 3 temporary identification card issued under this subsection may not
 4 be renewed without the presentation of valid documentary
 5 evidence proving that the holder of the identification card's
 6 temporary status has been extended.

7 (g) For purposes of subsection (b), an individual certified as a
 8 program participant in the address confidentiality program under
 9 IC 5-26.5 is not required to provide the address of the individual's
 10 principal residence, but may provide an address designated by the
 11 office of the attorney general under IC 5-26.5 as the address of the
 12 individual's principal residence.

13 SECTION 52. IC 9-24-16-3.5 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2007]: Sec. 3.5. In addition to the
 16 information required for the applicant for an identification card
 17 under section 3 of this chapter, the bureau shall require an
 18 applicant to present to the bureau:

- 19 (1) valid documentary evidence that the applicant:
- 20 (A) is a citizen or national of the United States;
 - 21 (B) is an alien lawfully admitted for permanent or
 - 22 temporary residence in the United States;
 - 23 (C) has conditional permanent resident status in the United
 - 24 States;
 - 25 (D) has an approved application for asylum in the United
 - 26 States or has entered into the United States in refugee
 - 27 status;
 - 28 (E) has a valid unexpired nonimmigrant visa or
 - 29 nonimmigrant visa status for entry into the United States;
 - 30 (F) has a pending application for asylum in the United
 - 31 States;
 - 32 (G) has a pending or approved application for temporary
 - 33 protected status in the United States;
 - 34 (H) has approved deferred action status; or
 - 35 (I) has a pending application for adjustment of status to
 - 36 that of an alien lawfully admitted for permanent residence
 - 37 in the United States or conditional permanent resident
 - 38 status in the United States; and
- 39 (2) evidence of the Social Security number of the applicant. If
 40 federal law prohibits the issuance of a Social Security number
 41 to the applicant, the applicant must provide verification of the
 42 applicant's ineligibility to be issued a Social Security number.

C
o
p
y



SECTION 53. IC 9-24-16-4, AS AMENDED BY P.L.210-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) **Except as provided in subsection (b)**, an identification card issued:

- (1) before January 1, 2006, expires on the fourth birthday of the applicant following the date of issue; and
- (2) after December 31, 2005, expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(b) **An identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:**

- (1) **at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or**
- (2) **if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:**

(A) **At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.**

(B) **At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.**

SECTION 54. IC 9-24-16-5, AS AMENDED BY P.L.210-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) An application for renewal of an identification card may be made not more than ~~six (6)~~ **twelve (12)** months before the expiration date of the card. **However, when the applicant complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter, an application for renewal of an identification card may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.** A renewal application received after the date of expiration is considered to be a new application.

(b) **Except as provided in subsection (e)**, a renewed card issued:

- (1) before January 1, 2006, becomes valid on the birth date of the holder and remains valid for four (4) years; and
- (2) after December 31, 2005, is valid on the birth date of the holder and remains valid for six (6) years.

(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.

C
o
p
y



(d) Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

(e) A renewed identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 55. IC 9-29-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. The service charge for each license that is required to bear a **digital** photograph ~~or computerized image~~ is fifty cents (\$0.50).

SECTION 56. IC 9-29-8-7, AS AMENDED BY P.L.156-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. All money collected by the ~~bureau~~ **secretary of state** from manufacturers, factory branches, distributors, distributor branches, dealers, automobile auctioneers, factory representatives, distributor representatives, wholesale dealers, transfer dealers, converter manufacturers, or brokers for licenses and permit fees under IC 9-23-2 shall be credited to the motor vehicle odometer fund and allocated under IC 9-29-1-5.

SECTION 57. IC 9-29-9-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. The bureau may adopt rules under IC 4-22-2 to impose a service charge for the issuance of a duplicate operator's license or permit issued under IC 9-24-13-4.**

SECTION 58. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. (a) As used in this chapter, "electronic traffic ticket" means:**

(1) a traffic information and summons; or

(2) a complaint and summons;

for traffic cases that is in an electronic format prescribed by the division of state court administration.

**C
o
p
y**



1 (b) An electronic traffic ticket may be referred to as an
2 "e-citation".

3 SECTION 59. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2007]: Sec. 5.3. In prescribing the contents of an electronic
6 traffic ticket, the division of state court administration shall
7 require the inclusion in an electronic traffic ticket of the contents
8 required in an information and summons under section 6 of this
9 chapter. The division of state court administration may modify the
10 prescribed contents of an electronic traffic ticket as necessary for
11 the ticket to be in an electronic format.

12 SECTION 60. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2007]: Sec. 5.7. (a) When a law enforcement officer issues an
15 electronic traffic ticket, the law enforcement officer:

- 16 (1) may print the electronic traffic ticket at the site of the
- 17 traffic violation; and
- 18 (2) shall inform the individual to whom the electronic traffic
- 19 ticket has been issued and note on the electronic traffic ticket
- 20 whether the individual must appear in court on a specific date
- 21 at a specific time.

22 (b) An electronic traffic ticket issued under this chapter that
23 bears a printed or digital signature of:

- 24 (1) the law enforcement officer who issued the electronic
- 25 traffic ticket; and
- 26 (2) the prosecuting attorney, or a representative of the office
- 27 of the prosecuting attorney, of the county in which the
- 28 electronic traffic ticket was issued;

29 is admissible in a court proceeding as if the signatures referred to
30 in subdivisions (1) and (2) were original signatures.

31 (c) A law enforcement officer who issues an electronic traffic
32 ticket may transmit the electronic traffic ticket to the court
33 electronically if the court and the electronic traffic ticket are in
34 compliance with the administrative rules adopted by the supreme
35 court.

36 (d) A law enforcement officer who issues an electronic traffic
37 ticket shall indicate on the electronic traffic ticket whether the law
38 enforcement officer served the person receiving the electronic
39 traffic ticket.

40 (e) The electronic transmission of an electronic traffic ticket
41 shall be considered by the court as an original certified copy of the
42 traffic information and summons or complaint and summons. An

C
o
p
y



electronic traffic ticket may be used:

(1) to notify the bureau of an Indiana resident who fails to:

(A) appear; or

(B) answer a traffic information and summons or complaint and summons;

(2) to notify the bureau of a defendant who is not an Indiana resident and who fails to:

(A) appear; or

(B) answer a traffic information and summons;

(3) to notify the bureau upon a final determination of a defendant's failure to appear; or

(4) as a record of a traffic case that an individual has been charged with a traffic offense when:

(A) the individual has been convicted;

(B) a judgment has been entered; or

(C) a finding has been made by a court.

SECTION 61. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **This section does not apply to electronic traffic tickets.**

(b) In traffic cases, the information and summons shall be in substantially the following form:

In the _____ Court of _____ County

Cause No. _____ Docket No. _____

Page No. _____

State of Indiana

SS: _____ No. _____

County of _____

INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M

Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. ____ HT ____ WT ____

Oper. Lic. # _____ St. _____ Did Unlawfully

Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____

Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____

Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____

ES 463—LS 7579/DI 96+



C
o
p
y

COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
() LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

POLICE AGENCY _____

Subscribed And Sworn to Before Me

(Deputy Clerk) _____

This _____ Day of _____, 20 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20 ____ AT
____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"

The information and summons shall consist of four (4) parts:

- (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;
- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the information, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____

REARREST BOND \$ _____ DATE _____

1. CONTINUANCE TO ____ 4. CONTINUANCE TO ____

2. CONTINUANCE TO ____ 5. CONTINUANCE TO ____

3. CONTINUANCE TO ____ 6. CONTINUANCE TO ____

	Motions	Date	Ruling	Date
--	---------	------	--------	------

1.	____	____	____	____
----	------	------	------	------

2.	____	____	____	____
----	------	------	------	------

3.	____	____	____	____
----	------	------	------	------

4.	____	____	____	____
----	------	------	------	------

ES 463—LS 7579/DI 96+



C
o
p
y

1 PLEA ☐ GUILTY
 2 ☐ NOT GUILTY
 3 FINDING ☐ GUILTY
 4 ☐ NOT GUILTY
 5 THE COURT THEREFORE, ENTERS
 6 THE FOLLOWING ORDER
 7 FINE \$ _____ AMOUNT SUSP. \$ _____
 8 (STATE) \$ _____
 9 COSTS
 10 (CITY) \$ _____
 11 _____ DAYS IN _____ DAYS SUSP.
 12 _____
 13 ☐ RECOMMENDED LICENSE SUSPENDED FOR _____
 14 ☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
 15 PROBATION
 16 _____
 17 _____
 18 _____
 19 _____
 20 JUDGE: _____
 21 DATE: _____
 22 ATTORNEY FOR DEFENDANT _____
 23 ADDRESS _____ TELEPHONE _____
 24 WITNESSES
 25 _____
 26 _____
 27 The notice, the appearance, the plea of either guilty or not guilty,
 28 and the waiver shall be printed on the summons. The trimmed size of
 29 the paper and stock on which the form is printed shall be nominally
 30 four and one quarter (4 1/4) inches by eight and one quarter (8 1/4)
 31 inches.
 32 ~~(b)~~ (c) In civil traffic cases, the complaint and summons shall be
 33 in substantially the following form:
 34 In the _____ Court of _____ County
 35 Cause No. _____ Docket No. _____
 36 Page No. _____
 37 State of Indiana
 38 SS: No. _____
 39 County of _____
 40 COMPLAINT AND SUMMONS
 41 The undersigned having probable cause to believe and being duly
 42 sworn upon his oath says that:

C
 o
 p
 y



1 On the _____ Day of _____, 20 ____ at ____ M
 2 Name _____
 3 Last First Middle
 4 Street _____
 5 City _____ State _____ Zip Code _____
 6 Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT ____
 7 Oper. Lic. # _____ St. _____ Did Unlawfully
 8 Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____
 9 Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____
 10 Upon, (Location) _____
 11 _____
 12 A PUBLIC STREET OR HIGHWAY IN _____
 13 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
 14 _____
 15 _____
 16 _____
 17 CONTRARY TO THE FORM OF THE () STATE STATUTE
 18 () LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
 19 OFFICER'S SIGNATURE _____
 20 I.D. No. _____ Div. Dist. _____
 21 POLICE AGENCY _____
 22 Subscribed And Sworn to Before Me
 23 (Deputy Clerk) _____
 24 This _____ Day of _____, 20 ____
 25 COURT APPEARANCE
 26 I PROMISE TO APPEAR IN _____
 27 COURTROOM _____
 28 ADDRESS: _____
 29 ON _____ THE _____ DAY OF _____, 20 ____
 30 AT ____ M. OR BE SUBJECT TO ARREST.
 31 SIGNATURE _____
 32 "YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"
 33 The complaint and summons shall consist of four (4) parts:
 34 (1) the original copy, printed on white paper, which shall be the
 35 abstract of court record for the Indiana bureau of motor vehicles;
 36 (2) the court copy, printed on white paper;
 37 (3) the police record, which shall be a copy of the complaint,
 38 printed on pink paper; and
 39 (4) the summons copy, printed on white stock.
 40 The reverse sides of the complaint and abstract of court record
 41 shall be substantially as follows, with such additions or deletions as are
 42 necessary to adapt the form to the court involved:

C
 o
 p
 y



1 RECEIPT # _____
2 DATE _____
3 COURT ACTION AND OTHER ORDERS
4 BAIL \$ _____
5 REARREST BOND \$ _____ DATE _____
6 1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____
7 2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____
8 3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____
9 Motions Date Ruling Date
10 1. _____
11 2. _____
12 3. _____
13 4. _____
14 PLEA ☐ ADMIT
15 ☐ DENY
16 ☐ NOLO CONTENDERE
17 FINDING ☐ JUDGMENT FOR PLAINTIFF
18 ☐ JUDGMENT FOR DEFENDANT
19 THE COURT THEREFORE, ENTERS
20 THE FOLLOWING ORDER
21 FINE \$ _____ AMOUNT SUSP. \$ _____
22 (STATE) \$ _____
23 COSTS
24 (CITY) \$ _____
25 ☐ RECOMMENDED LICENSE SUSPENDED FOR _____
26 ☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
27 PROBATION
28 _____
29 _____
30 _____
31 _____
32 _____
33 JUDGE: _____
34 DATE: _____
35 ATTORNEY FOR DEFENDANT _____
36 ADDRESS _____ TELEPHONE _____
37 WITNESSES
38 _____
39 _____
40 The notice, appearance, plea of either admission, denial, or nolo
41 contendere shall be printed on the summons. The trimmed size of the
42 paper and stock on which the form is printed shall be nominally four

C
o
p
y



and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

~~(c)~~ (d) The complaint form shall be used in traffic cases, whether the charge is made by a law enforcement officer or by any other person.

~~(d)~~ (e) Each judicial officer or police authority issuing traffic complaints and summons:

(1) is responsible for the disposition of all the traffic complaints and summons issued under the authority of the officer or authority; and

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 62. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court **either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration**, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for

C
o
p
y



the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

(d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

(1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination **either in an electronic format or** upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and **information from** the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 63. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

(1) engage counsel;

(2) a reasonable continuance to engage counsel to subpoena witnesses;

(3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;

(4) testify or not to testify in the defendant's own behalf;

(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense.

C
o
p
y



1 Within ten (10) days after the conviction, judgment, or forfeiture of
 2 security deposit of a person, the court shall forward a copy of the
 3 judgment **in an electronic format** or an abstract as prescribed by
 4 IC 9-25-6-8. The abstract comprises the original copy of the traffic
 5 information and summons or complaint and summons if the conviction,
 6 judgment, or forfeiture of security deposit has been entered on that
 7 copy. However, instead of the original copy, the court may, subject to
 8 the approval of the bureau, send the information **in an electronic**
 9 **format or** in the form of a chemical based, magnetic, or machine
 10 readable media. Records of nonmoving traffic offenses are not required
 11 to be forwarded to the bureau.

12 (d) One (1) year after the abstract has been forwarded, the court may
 13 destroy the remaining court copies of the information and summons or
 14 complaint and summons and related pleadings if an order book entry
 15 of the copy has been made and the original copy has been sent to the
 16 bureau of motor vehicles.

17 (e) Upon the failure of a court officer to comply with subsection (c),
 18 the officer is liable on the officer's official bond for a civil penalty of
 19 one hundred dollars (\$100) accruing to the state, which may be
 20 recovered, together with the costs of the suit, in a civil action brought
 21 by the attorney general in the name of the state on relation of the
 22 attorney general. Each failure by an officer constitutes a separate cause
 23 of action.

24 SECTION 64. IC 23-2-1-15, AS AMENDED BY P.L.48-2006,
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2007]: Sec. 15. (a) This chapter shall be administered by a
 27 division of the office of the secretary of state. The secretary of state
 28 shall appoint a securities commissioner who shall be responsible for
 29 the direction and supervision of the division and the administration of
 30 this chapter under the direction and control of the secretary of state.
 31 The salary of the securities commissioner shall be paid out of the funds
 32 appropriated for the administration of this chapter. The commissioner
 33 shall serve at the will of the secretary of state.

34 (b) The secretary of state:

35 (1) shall employ a chief deputy, a senior investigator, a senior
 36 accountant, and other deputies, investigators, accountants, clerks,
 37 stenographers, and other employees necessary for the
 38 administration of this chapter; and

39 (2) shall fix their compensation with the approval of the budget
 40 agency.

41 The chief deputy, other deputies, the senior investigator, and the senior
 42 accountant, once employed under this chapter, may be dismissed only

C
o
p
y



for cause by the secretary of state upon ten (10) days notice in writing stating the reasons for dismissal. Within fifteen (15) days after dismissal, the chief deputy, other deputies, the senior investigator, and the senior accountant may appeal to the state personnel board. The state personnel board shall hold a hearing, and if it finds that the appealing party was dismissed for a political, social, religious, or racial reason, the appealing party shall be reinstated to the appealing party's position without loss of pay. In all other cases, if the decision is favorable to the appealing party, the secretary of state shall follow the findings and recommendations of the board, which may include reinstatement and payment of salary or wages lost. The hearing and any subsequent proceedings or appeals shall be governed by the provisions of IC 4-15-2 and IC 4-21.5.

(c) Fees and funds of whatever character accruing from the administration of this chapter shall be accounted for by the secretary of state and shall be deposited with the treasurer of state to be deposited by the treasurer of state in the general fund of the state. Expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. However;

(1) the costs of investigations recovered under sections 16(d) and 17.1(c) of this chapter; and

(2) civil penalties recovered under IC 9-23-6-4;

shall be deposited with the treasurer of state to be deposited by the treasurer of state in a separate account to be known as the securities division enforcement account. The funds in the account shall be available, with the approval of the budget agency, to augment and supplement the funds appropriated for the administration of this chapter. The funds in the account do not revert to the general fund at the end of any fiscal year.

(d) In connection with the administration and enforcement of the provisions of this chapter, the attorney general shall render all necessary assistance to the securities commissioner upon the commissioner's request, and to that end, the attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the securities commissioner as the demands of the securities division shall require. Expenses incurred by the attorney general for the purposes stated in this subsection shall be chargeable against and paid out of funds appropriated to the attorney general for the administration of the attorney general's office.

C
o
p
y



(e) Neither the secretary of state, the securities commissioner, nor an employee of the securities division shall be liable in their individual capacity, except to the state, for an act done or omitted in connection with the performance of their respective duties under this chapter.

(f) The commissioner, subject to the approval of the secretary of state, may adopt rules, orders, and forms necessary to carry out this chapter, including rules and forms concerning registration statements, applications, reports, and the definitions of any terms if the definitions are consistent with this chapter. The commissioner may by rule or order allow for exemptions from registration requirements under sections 3 and 8 of this chapter if the exemptions are consistent with the public interest and this chapter.

(g) The provisions of this chapter delegating and granting power to the secretary of state, the securities division, and the securities commissioner shall be liberally construed to the end that:

(1) the practice or commission of fraud may be prohibited and prevented;

(2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured; and

(3) the qualifications may be prescribed to assure availability of reliable broker-dealers, investment advisers, and agents engaged in and in connection with the issuance, barter, sale, purchase, transfer, or disposition of securities in this state.

It is the intent and purpose of this chapter to delegate and grant to and vest in the secretary of state, the securities division, and the securities commissioner full and complete power to carry into effect and accomplish the purpose of this chapter and to charge them with full and complete responsibility for its effective administration.

(h) It is the duty of a prosecuting attorney, as well as of the attorney general, to assist the securities commissioner upon the commissioner's request in the prosecution to final judgment of a violation of the penal provisions of this chapter and in a civil proceeding or action arising under this chapter. If the commissioner determines that an action based on the securities division's investigations is meritorious:

(1) the commissioner or a designee empowered by the commissioner shall certify the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed;

(2) the commissioner and the securities division shall assist the prosecuting attorney in prosecuting an action under this section, which may include a securities division attorney serving as a

**C
o
p
y**



special deputy prosecutor appointed by the prosecuting attorney;
 (3) a prosecuting attorney to whom facts concerning fraud are
 certified under subdivision (1) may refer the matter to the attorney
 general; and

(4) if a matter has been referred to the attorney general under
 subdivision (3), the attorney general may:

(A) file an information in a court with jurisdiction over the
 matter in the county in which the offense is alleged to have
 been committed; and

(B) prosecute the alleged offense.

(i) The securities commissioner shall take, prescribe, and file the
 oath of office prescribed by law. The securities commissioner, the chief
 deputy commissioner, and each attorney or investigator designated by
 the commissioner are police officers of the state and shall:

(1) have all the powers and duties of police officers in making
 arrests for violations of this chapter, or in serving any process,
 notice, or order connected with the enforcement of this chapter by
 whatever officer or authority or court issued; and

(2) comprise the enforcement department of the division;

and are considered a criminal justice agency for purposes of IC 5-2-4
 and IC 10-13-3.

(j) The securities commissioner and each employee of the securities
 division shall be reimbursed for necessary hotel and travel expenses
 when required to travel on official duty. Hotel and travel
 reimbursements shall be paid in accordance with the travel regulations
 prescribed by the budget agency.

(k) It is unlawful for the secretary of state, the securities
 commissioner, or the securities division's employees to use for personal
 benefit information that is filed with or obtained by the securities
 division and that is not made public. No provision of this chapter
 authorizes the secretary of state, the securities commissioner, or the
 employees of the securities division to disclose information except
 among themselves, or when necessary or appropriate, in a proceeding
 or investigation under this chapter. No provision of this chapter either
 creates or derogates from a privilege that exists at common law or
 otherwise when documentary or other evidence is sought under a
 subpoena directed to the secretary of state, the securities commissioner,
 or the securities division or its employees.

(l) The commissioner may honor requests from interested persons
 for interpretative opinions and from interested persons for
 determinations that the commissioner will not institute enforcement
 proceedings against specified persons for specified activities. A

C
o
p
y



determination not to institute enforcement proceedings must be consistent with this chapter. A person may not request an interpretive opinion concerning an activity that:

(1) occurred before; or

(2) is occurring on;

the date that the opinion is requested. The commissioner shall charge a fee of one hundred dollars (\$100) for an interpretative opinion or determination.

SECTION 65. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-24-9-2(d)(1), as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon the bureau of motor vehicles under IC 9-24-9-2(d)(1), as added by this act, under interim written guidelines approved by the commissioner of the bureau of motor vehicles.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 9-24-9-2(d)(1), as added by this act.

(2) December 31, 2008.

SECTION 66. [EFFECTIVE JULY 1, 2007] (a) The bureau of motor vehicles shall adopt a written exceptions process to create exceptions under which licenses, permits, and identification cards may be issued pursuant to federal law under IC 9-24-9-2, IC 9-24-11-5, IC 9-24-16-2, and IC 9-24-16-3, all as amended by this act, to:

(1) individuals whose addresses have been suppressed under state or federal court orders;

(2) individuals whose addresses are protected under section 384 of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101f); and

(3) individuals who have no fixed addresses;

without requiring the individuals to provide all of the information that would otherwise be required under IC 9-24-9-2, IC 9-24-11-5, IC 9-24-16-2, and IC 9-24-16-3, all as amended by this act.

(b) This SECTION expires on the earlier of the following:

(1) The date a written exceptions process is adopted under subsection (a).

(2) December 31, 2008.

SECTION 67. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "bureau" means the bureau of motor vehicles established by IC 9-14-1-1.

(b) Notwithstanding IC 9-24-12-1(c), as amended by this act, an operator's license issued:

**C
O
P
Y**



(1) after May 14, 2007, and before January 1, 2008, expires at midnight on the birthday of the holder that occurs five (5) years following the date of issuance;

(2) after December 31, 2007, and before January 1, 2009, expires at midnight on the birthday of the holder that occurs four (4) years following the date of issuance; and

(3) after December 31, 2008, expires at midnight on the birthday of the holder that occurs six (6) years following the date of issuance.

(c) Notwithstanding IC 9-29-9-2, the fee for an operator's license issued under IC 9-24 is:

(1) seven dollars and fifty cents (\$7.50) for an operator's license issued after May 14, 2007, and before January 1, 2008;

(2) six dollars (\$6) for an operator's license issued after December 31, 2007, and before January 1, 2009; and

(3) nine dollars (\$9) for an operator's license issued after December 31, 2008.

(d) An additional fee, other than a fee set forth in subsection (c), that is assessed or collected by the bureau under IC 9-16 or IC 9-29-3-19 for the issuance of an operator's license after May 14, 2007, and before January 1, 2009, shall be at the rate set forth in:

(1) a statute; or

(2) a rule adopted under IC 4-22-2; as of May 14, 2007.

(e) This SECTION expires December 31, 2009.

SECTION 68. [EFFECTIVE JULY 1, 2007] The rules adopted by the bureau of motor vehicles before July 1, 2007, concerning:

(1) IC 9-23-1;

(2) IC 9-23-2;

(3) IC 9-23-3; and

(4) IC 9-23-6;

are considered, after June 30, 2007, rules of the secretary of state.

SECTION 69. An emergency is declared for this act.

C
o
p
y



SENATE MOTION

Madam President: I move that Senator Paul be added as third author of Senate Bill 463.

HEINOLD

 COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 463, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-6-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16 in its administration of the motor vehicle registration laws of the state of Indiana. The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:

(1) The excise taxes so collected by each license branch, less any refunds made by the license branch, shall be deposited daily by the license branch in a separate account in a depository duly designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subsection. Before the eleventh day of the month following the month in which the collections are made, the bureau of motor vehicles shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of this excise tax report to the county auditor of the county.

C
o
p
y



(2) A license branch shall each week forward a report to the county auditor of the county to whom the collections are due, showing the excise tax collected on each vehicle, each refund on a vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each license branch shall also report to the bureau all excise taxes collected and refunds made under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by license branches against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all branches at its discretion. At the discretion of the bureau, the bureau may:

(A) self-insure to cover the activities of the license branches; or

(B) rather than purchase a bond or crime policy for each branch, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all branches.

(5) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered upon which an excise tax is collected by that branch.

(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in subdivision (7), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in

C
O
P
Y



which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards. ~~However, if there is a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.~~

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

- (1) the amount of delinquent taxes; and
- (2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 2. IC 6-6-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

C
o
p
y



(b) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(c) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(d) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter, shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(e) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

**C
O
P
Y**



- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(f) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

- (A) ten percent (10%) of the owner's last preceding annual excise tax liability; and
- (B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

- (2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

- (A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and
- (B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(g) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of

**C
o
p
y**



motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

(h) This section expires December 31, 2007.

SECTION 3. IC 6-6-5-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.2. (a) **This section applies after December 31, 2007.**

(b) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration, and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by eight and thirty-three hundredths percent (8.33%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(c) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(d) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(e) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by**
- (2) eight and thirty-three hundredths percent (8.33%) for**

**C
O
P
Y**



each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(f) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to eight and thirty-three hundredths percent (8.33%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(g) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

**C
O
P
Y**



(1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's last preceding annual excise tax liability; and

(B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(h) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

SECTION 4. IC 6-6-5-7.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.4. (a) The owner of a vehicle registered with the bureau is entitled to a refund of taxes paid under this chapter if, after the owner's regular registration date:

(1) the owner registers the vehicle for use in another state; and

(2) the owner pays tax for use of the vehicle to another state for the same time period which the tax was paid under this chapter.

(b) The refund provided under subsection (a) is equal to:

(1) the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus

C
o
p
y



(2) ten percent (10%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.

This subsection expires December 31, 2007.

(c) This section applies after December 31, 2007. The refund provided under subsection (a) is equal to:

- (1) the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus**
- (2) eight and thirty-three hundredths percent (8.33%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.**

(d) To claim the refund provided by this section, the owner of the vehicle must provide the bureau with:

- (1) a request for a refund on a form furnished by the bureau; and**
- (2) proof that a tax described in subsection (a)(2) was paid."**

Page 6, line 33, after "applicant" insert ":".

Page 6, line 33, delete "is a:".

Page 6, delete lines 34 through 37, begin a new line block indented and insert:

- "(1) is a citizen or national of the United States;**
- (2) is an alien lawfully admitted for permanent or temporary residence in the United States;**
- (3) has conditional permanent resident status in the United States;**
- (4) has an approved application for asylum in the United States or has entered into the United States in refugee status;**
- (5) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;**
- (6) has a pending application for asylum in the United States;**
- (7) has a pending or approved application for temporary protected status in the United States;**
- (8) has approved deferred action status; or**
- (9) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States."**

Page 7, delete lines 25 through 37, begin a new paragraph and insert:

"(e) A probationary license issued under this section to an

**C
O
P
Y**



individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

- (1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or
- (2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

- (A) At midnight of the date the authorization to remain in the United States expires."

Page 9, delete lines 30 through 31.

Page 9, line 32, delete "(2)" and insert "(1)".

Page 9, line 34, delete "(3)" and insert "(2)".

Page 9, line 35, delete "(4)" and insert "(3)".

Page 9, line 37, delete "(5)" and insert "(4)".

Page 9, line 38, delete "(6)" and insert "(5)".

Page 11, delete lines 17 through 18, begin a new paragraph and insert:

"(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9), an application for renewal of a driver's license in subsection (a)(1),"

Page 11, delete lines 21 through 22, begin a new paragraph and insert:

"(c) When the applicant complies with IC 9-24-16-3.5 (1)(E) though IC 9-24-16-3.5(1)(I), an application for renewal of an identification card in subsection"

Page 12, delete lines 11 through 24, begin a new paragraph and insert:

"(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

- (1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or
- (2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

- (A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires."

Page 15, delete lines 2 through 3.

Page 15, line 4, delete "(2)" and insert "(1)".

C
o
p
y



Page 15, line 6, delete "(3)" and insert "(2)".

Page 15, line 7, delete "(4)" and insert "(3)".

Page 15, line 9, delete "(5)" and insert "(4)".

Page 15, line 10, delete "(6)" and insert "(5)".

Page 15, line 25, after "applicant" insert ":".

Page 15, line 25, delete "is a:".

Page 15, delete lines 26 through 29, begin a new line double block indented and insert:

"(A) is a citizen or national of the United States;

(B) is an alien lawfully admitted for permanent or temporary residence in the United States;

(C) has conditional permanent resident status in the United States;

(D) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(E) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(F) has a pending application for asylum in the United States;

(G) has a pending or approved application for temporary protected status in the United States;

(H) has approved deferred action status; or

(I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; and".

Page 16, delete lines 1 through 13, begin a new paragraph and insert:

"(b) An identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires."

Page 16, line 21, delete "3.5(1)(C)" and insert "3.5(1)(E) through 3.5(1)(I)".

Page 16, delete lines 37 through 42, begin a new paragraph and

C
o
p
y



insert:

"(e) A renewed identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires."

Page 17, delete lines 1 through 7.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 0463 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 463, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2,

Page 3, delete lines 1 through 1 through 38.

Page 9, line 16, delete "section" and insert "**subsection**".

Page 9, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 4. IC 6-6-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16 in its administration of the motor vehicle registration laws of the state of Indiana. The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to

ES 463—LS 7579/DI 96+



C
o
p
y

implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:

(1) The excise taxes so collected by each license branch, less any refunds made by the license branch, shall be deposited daily by the license branch in a separate account in a depository duly designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subsection. Before the eleventh day of the month following the month in which the collections are made, the bureau of motor vehicles shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of this excise tax report to the county auditor of the county.

(2) A license branch shall each week forward a report to the county auditor of the county to whom the collections are due, showing the excise tax collected on each vehicle, each refund on a vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each license branch shall also report to the bureau all excise taxes collected and refunds made under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by license branches against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all branches at its discretion. At the discretion of the bureau, the bureau may:

(A) self-insure to cover the activities of the license branches; or

(B) rather than purchase a bond or crime policy for each branch, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all branches.

(5) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered upon which an excise tax is collected by that branch.

**C
O
P
Y**



(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in subdivision (7), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards. ~~However, if there is a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.~~

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall

C
o
p
y



apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section."

Page 9, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 6. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 49.5. "Electronic traffic ticket", for purposes of IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.**"

Page 10, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 11. IC 9-14-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The bureau shall issue a placard to the following:

(1) An individual of any age who:

(A) has a temporary or permanent physical disability that requires the use of a wheelchair, a walker, braces, or crutches;

(B) has temporarily or permanently lost the use of one (1) or both legs;

(C) is certified to be severely restricted in mobility, either temporarily or permanently, due to a pulmonary or cardiovascular disability, arthritic condition, or orthopedic or neurological impairment, by:

(i) a physician having an unlimited license to practice medicine;

(ii) a physician who is a commissioned medical officer of the armed forces of the United States or of the United States Public Health Service;

(iii) a physician who is a medical officer of the United States Department of Veterans Affairs;

(iv) a chiropractor licensed under IC 25-10-1; ~~or~~

(v) a podiatrist licensed under IC 25-29-1; or

(vi) an advanced practice nurse licensed under IC 25-23;
or

(D) is certified by an optometrist or ophthalmologist licensed to practice in Indiana to be blind or visually impaired.

(2) Any corporation, limited liability company, partnership, unincorporated association, and any legal successor of the corporation, limited liability company, partnership, or association, empowered by the state or a political subdivision to operate programs, including the provision of transportation, or facilities

C
o
p
y



for persons with physical disabilities."

Page 10, delete lines 36 through 42.

Delete page 11.

Page 12, delete lines 1 through 4.

Page 13, line 31, delete "After" and insert **"Except as provided in subsection (c), after"**.

Page 14, delete lines 21 through 29, begin a new paragraph and insert:

"(c) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address."

Page 16, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 16. IC 9-24-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) An individual may not have more than one (1) valid driver's license at a time.

(b) An individual may not hold a driver's license and an identification card issued under IC 9-24-16 at the same time."

Page 16, line 12, delete "A" and insert **"Except as provided in subsection (i), a"**.

Page 17, line 41, after "purpose." insert **"."**.

Page 18, between lines 17 and 18, begin a new paragraph and insert:

"(i) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence."

Page 19, line 33, delete "IC 9-24-16-3.5 (1)(E)" and insert **"IC 9-24-16-3.5(1)(E)"**.

Page 19, line 34, delete "though" and insert **"through"**.

Page 19, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 22. IC 9-24-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "good cause" includes the following:

(1) Temporarily residing at least fifty (50) miles outside the boundaries of Indiana.

(2) Serving in the armed forces of the United States.

(b) The bureau may renew a valid Indiana operator's license held by an individual temporarily residing outside Indiana if the applicant does

**C
O
P
Y**



the following:

- (1) Shows good cause why the license cannot be renewed within Indiana.
- (2) Submits a completed application provided by the bureau and payment of the fee required in IC 9-29-9.
- (3) Submits a written affidavit that affirms that no source document upon which the operator's license was issued has changed or been altered since the prior issuance of the operator's license.**

(c) The Indiana operator's license of an individual who is temporarily residing outside Indiana remains valid for thirty (30) days beyond the expiration date of that license if the individual meets the following conditions:

- (1) Has applied for a renewal of the license.
- (2) Has not been denied a renewal of the license by the bureau.

(d) Upon receiving an application for the renewal of an Indiana operator's license from an individual temporarily residing outside Indiana, the bureau shall do the following:

- (1) Either renew or deny the renewal of the license within ten (10) days.
- (2) Notify the individual of the decision.

(e) When the Indiana operator's license of an individual who is temporarily residing outside Indiana because of service in the armed forces of the United States has expired, the license remains valid for ninety (90) days following the person's discharge from service in the armed forces. To obtain a renewed license, the individual must do the following:

- (1) Apply for a renewal of the operator's license during the ninety (90) day period following the individual's discharge.
- (2) Show proof of the individual's discharge from service in the armed forces when applying for the renewal."

Page 20, between lines 37 and 38, begin a new paragraph and insert:
"SECTION 24. IC 9-24-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. If:

- (1) an individual holding a license or permit issued under this article changes the address shown on the license or permit application; or
- (2) the name of a licensee or permittee is changed by marriage or otherwise;

the licensee or permittee shall immediately notify the bureau in writing of the licensee's or permittee's old and new address or of the former name and new name and the number of the license or permit held by

C
O
P
Y



~~the licensee or permittee: make application for a duplicate driver's license or permit under IC 9-24-9 containing the correct information within thirty (30) days of the change."~~

Page 21, line 14, delete "After" and insert "Except as provided in subsection (e), after".

Page 21, between lines 38 and 39, begin a new paragraph and insert:

"(e) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address."

Page 22, line 2, after "(b)" delete "The" and insert "Except as provided in subsection (g), the".

Page 23, between lines 27 and 28, begin a new paragraph and insert:

"(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence."

Page 25, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 32. IC 9-29-9-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. The bureau may adopt rules under IC 4-22-2 to impose a service charge for the issuance of a duplicate operator's license or permit issued under IC 9-24-13-4.

SECTION 33. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) As used in this chapter, "electronic traffic ticket" means:

- (1) a traffic information and summons; or**
- (2) a complaint and summons;**

for traffic cases that is in an electronic format prescribed by the division of state court administration.

(b) An electronic traffic ticket may be referred to as an "e-citation".

SECTION 34. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.3. In prescribing the contents of an electronic traffic ticket, the division of state court administration shall require the inclusion in an electronic traffic ticket of the contents

**C
o
p
y**



required in an information and summons under section 6 of this chapter. The division of state court administration may modify the prescribed contents of an electronic traffic ticket as necessary for the ticket to be in an electronic format.

SECTION 35. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.7. (a) When a law enforcement officer issues an electronic traffic ticket, the law enforcement officer:**

- (1) may print the electronic traffic ticket at the site of the traffic violation; and**
- (2) shall inform the individual to whom the electronic traffic ticket has been issued and note on the electronic traffic ticket whether the individual must appear in court on a specific date at a specific time.**

(b) An electronic traffic ticket issued under this chapter that bears a printed or digital signature of:

- (1) the law enforcement officer who issued the electronic traffic ticket; and**
- (2) the prosecuting attorney, or a representative of the office of the prosecuting attorney, of the county in which the electronic traffic ticket was issued;**

is admissible in a court proceeding as if the signatures referred to in subdivisions (1) and (2) were original signatures.

(c) A law enforcement officer who issues an electronic traffic ticket may transmit the electronic traffic ticket to the court electronically if the court and the electronic traffic ticket are in compliance with the administrative rules adopted by the supreme court.

(d) A law enforcement officer who issues an electronic traffic ticket shall indicate on the electronic traffic ticket whether the law enforcement officer served the person receiving the electronic traffic ticket.

(e) The electronic transmission of an electronic traffic ticket shall be considered by the court as an original certified copy of the traffic information and summons or complaint and summons. An electronic traffic ticket may be used:

- (1) to notify the bureau of an Indiana resident who fails to:**
 - (A) appear; or**
 - (B) answer a traffic information and summons or complaint and summons;**
- (2) to notify the bureau of a defendant who is not an Indiana resident and who fails to:**

**C
O
P
Y**



- (A) appear; or
- (B) answer a traffic information and summons;
- (3) to notify the bureau upon a final determination of a defendant's failure to appear; or
- (4) as a record of a traffic case that an individual has been charged with a traffic offense when:
 - (A) the individual has been convicted;
 - (B) a judgment has been entered; or
 - (C) a finding has been made by a court.

SECTION 36. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **This section does not apply to electronic traffic tickets.**

(b) In traffic cases, the information and summons shall be in substantially the following form:

In the _____ Court of _____ County
 Cause No. _____ Docket No. _____
 Page No. _____
 State of Indiana
 SS: _____ No. _____
 County of _____

INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M
 Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT ____

Oper. Lic. # _____ St. ____ Did Unlawfully

Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____

Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____

Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____
 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
 () LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
 OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

ES 463—LS 7579/DI 96+



C
o
p
y

POLICE AGENCY _____

Subscribed And Sworn to Before Me

(Deputy Clerk) _____

This _____ Day of _____, 20 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20 ____ AT
_____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"

The information and summons shall consist of four (4) parts:

- (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;
- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the information, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____

REARREST BOND \$ _____ DATE _____

- | | |
|-------------------------|-------------------------|
| 1. CONTINUANCE TO _____ | 4. CONTINUANCE TO _____ |
| 2. CONTINUANCE TO _____ | 5. CONTINUANCE TO _____ |
| 3. CONTINUANCE TO _____ | 6. CONTINUANCE TO _____ |

	Motions	Date	Ruling	Date
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

PLEA () GUILTY
 () NOT GUILTY

FINDING () GUILTY
 () NOT GUILTY

THE COURT THEREFORE, ENTERS

THE FOLLOWING ORDER

FINE \$ _____ AMOUNT SUSP. \$ _____

ES 463—LS 7579/DI 96+



C
O
p
y

(STATE) \$ _____
 COSTS
 (CITY) \$ _____
 _____ DAYS IN _____ DAYS SUSP.

() RECOMMENDED LICENSE SUSPENDED FOR _____
 () PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
 PROBATION

 JUDGE: _____
 DATE: _____
 ATTORNEY FOR DEFENDANT _____
 ADDRESS _____ TELEPHONE _____
 WITNESSES

 The notice, the appearance, the plea of either guilty or not guilty, and the waiver shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

~~(b)~~ (c) In civil traffic cases, the complaint and summons shall be in substantially the following form:

In the _____ Court of _____ County
 Cause No. _____ Docket No. _____
 Page No. _____
 State of Indiana

SS: _____ No. _____
 County of _____

COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M
 Name _____

 Last First Middle
 Street _____
 City _____ State _____ Zip Code _____
 Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT ____
 Oper. Lic. # _____ St. _____ Did Unlawfully

ES 463—LS 7579/DI 96+



C
o
p
y

Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____
 Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____
 Upon, (Location) _____

 A PUBLIC STREET OR HIGHWAY IN _____
 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
 () LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
 OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

POLICE AGENCY _____

Subscribed And Sworn to Before Me

(Deputy Clerk) _____

This _____ Day of _____, 20____

COURT APPEARANCE

I PROMISE TO APPEAR IN _____

COURTROOM _____

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20____

AT ____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"

The complaint and summons shall consist of four (4) parts:

- (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;
- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the complaint, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the complaint and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____

REARREST BOND \$ _____ DATE _____

1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____

2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____

ES 463—LS 7579/DI 96+



C
O
P
Y

3. CONTINUANCE TO _____	6. CONTINUANCE TO _____
Motions Date Ruling	Date
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

PLEA ☐ ADMIT
☐ DENY
☐ NOLO CONTENDERE
 FINDING ☐ JUDGMENT FOR PLAINTIFF
☐ JUDGMENT FOR DEFENDANT
 THE COURT THEREFORE, ENTERS
 THE FOLLOWING ORDER
 FINE \$ _____ AMOUNT SUSP. \$ _____
 (STATE) \$ _____
 COSTS (CITY) \$ _____
☐ RECOMMENDED LICENSE SUSPENDED FOR _____
☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
 PROBATION

 JUDGE: _____
 DATE: _____
 ATTORNEY FOR DEFENDANT _____
 ADDRESS _____ TELEPHONE _____
 WITNESSES

The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

~~(c)~~ (d) The complaint form shall be used in traffic cases, whether the charge is made by a law enforcement officer or by any other person.

~~(d)~~ (e) Each judicial officer or police authority issuing traffic complaints and summons:

(1) is responsible for the disposition of all the traffic complaints and summons issued under the authority of the officer or



C
o
p
y

authority; and

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 37. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court **either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration**, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

(d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident

C
o
p
y



defendant. If:

- (1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and
- (2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination **either in an electronic format or** upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and **information from** the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 38. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment **in an electronic format** or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to

C
o
p
y



the approval of the bureau, send the information **in an electronic format or** in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action."

Page 26, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 40. [EFFECTIVE JULY 1, 2007] **(a) The bureau of motor vehicles shall adopt a written exceptions process to create exceptions under which licenses, permits, and identification cards may be issued pursuant to federal law under IC 9-24-9-2, IC 9-24-11-5, IC 9-24-16-2, and IC 9-24-16-3, all as amended by this act, to:**

- (1) individuals whose addresses have been suppressed under state or federal court orders;**
- (2) individuals whose addresses are protected under section 384 of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101f); and**
- (3) individuals who have no fixed addresses;**

without requiring the individuals to provide all of the information that would otherwise be required under IC 9-24-9-2, IC 9-24-11-5, IC 9-24-16-2, and IC 9-24-16-3, all as amended by this act.

(b) This SECTION expires on the earlier of the following:

- (1) The date a written exceptions process is adopted under subsection (a).**
- (2) December 31, 2008.**

SECTION 41. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "bureau" means the bureau of motor vehicles established by IC 9-14-1-1.**

(b) Notwithstanding IC 9-24-12-1(c), as amended by this act, an operator's license issued:

- (1) after May 14, 2007, and before January 1, 2008, expires at**

**C
o
p
y**



midnight on the birthday of the holder that occurs five (5) years following the date of issuance;

(2) after December 31, 2007, and before January 1, 2009, expires at midnight on the birthday of the holder that occurs four (4) years following the date of issuance; and

(3) after December 31, 2008, expires at midnight on the birthday of the holder that occurs six (6) years following the date of issuance.

(c) Notwithstanding IC 9-29-9-2, the fee for an operator's license issued under IC 9-24 is:

(1) seven dollars and fifty cents (\$7.50) for an operator's license issued after May 14, 2007, and before January 1, 2008;

(2) six dollars (\$6) for an operator's license issued after December 31, 2007, and before January 1, 2009; and

(3) nine dollars (\$9) for an operator's license issued after December 31, 2008.

(d) An additional fee, other than a fee set forth in subsection (c), that is assessed or collected by the bureau under IC 9-16 or IC 9-29-3-19 for the issuance of an operator's license after May 14, 2007, and before January 1, 2009, shall be at the rate set forth in:

(1) a statute; or

(2) a rule adopted under IC 4-22-2;

as of May 14, 2007.

(e) This SECTION expires December 31, 2009."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 463 as printed February 16, 2007.)

AUSTIN, Chair

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 463 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-5-1-11 IS ADDED TO THE INDIANA CODE A S A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11. The secretary of state may adopt and**

ES 463—LS 7579/DI 96+



C
o
p
y

enforce rules under IC 4-22-2 that are necessary to carry out:

- (1) IC 9-23-1;
- (2) IC 9-23-2;
- (3) IC 9-23-3; and
- (4) IC 9-23-6."

Page 11, between lines 28 and 29, begin a new paragraph and insert:
"SECTION 13. IC 9-23-0.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 0.7. Delegation of the Rights, Duties and Obligations of the Secretary of State

Sec. 1. The secretary of state may delegate any or all of the rights, duties, or obligations of the secretary of state under this article to:

- (1) the securities commissioner appointed under IC 23-2-1-15; or
- (2) another designee under the supervision and control of the secretary of state.

The individual delegated shall have the authority to adopt rules pursuant to IC 4-22-2 as the secretary of state under IC 4-5-1-11.

SECTION 14. IC 9-23-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The motor vehicle sales advisory board is established to advise the ~~bureau~~ **secretary of state** in the administration of this article.

SECTION 15. IC 9-23-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The advisory board is composed of the ~~commissioner~~ **secretary of state** and eight (8) persons appointed by the governor **upon the recommendation of the secretary of state** as follows:

- (1) Two (2) of the appointed members must be franchised new motor vehicle dealers as follows:
 - (A) One (1) member must have sold less than seven hundred fifty (750) new motor vehicles in the year before the member's appointment.
 - (B) One (1) member must have sold more than seven hundred forty-nine (749) new motor vehicles in the year before the member's appointment.
- (2) Two (2) of the appointed members must represent the automobile manufacturing industry and must have been Indiana residents for a period of two (2) years immediately preceding their appointment.
- (3) Two (2) of the appointed members must represent the general

C
o
p
y



public and may not have any direct interest in the manufacture or sale of motor vehicles.

(4) One (1) member must represent used motor vehicle dealers that are not franchised new motor vehicle dealers.

(5) One (1) member must represent used motor vehicle auctioneers.

(b) Not more than four (4) members of the board may be of the same political party.

SECTION 16. IC 9-23-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The ~~commissioner~~ **secretary of state** shall serve as chairman of the advisory board. The advisory board shall elect a vice chairman and secretary from the appointed members during the first month of each year. The vice chairman and secretary serve until their successors are duly appointed and qualified and may be removed for good cause.

SECTION 17. IC 9-23-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The advisory board shall meet during the first month of each year. Additional meetings may be convened at the call of the ~~commissioner~~ **secretary of state** or the written request of any three (3) members.

SECTION 18. IC 9-23-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The advisory board is vested with the following powers:

- (1) To consult with and advise the ~~bureau~~ **secretary of state**.
- (2) To suggest rules, including the following:
 - (A) The contents of forms.
 - (B) Methods and procedures for the investigation and evaluation of the qualifications of applicants for licenses.
 - (C) The criteria upon which to issue, deny, suspend, and revoke licenses.
 - (D) Procedures for the investigation into and conduct of hearings on unfair practices.

SECTION 19. IC 9-23-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An application for a license under this chapter must:

- (1) be accompanied by the fee required under IC 9-29-8;
- (2) be on a form prescribed by the ~~bureau~~ **secretary of state**; and
- (3) contain the information the ~~bureau~~ **secretary of state** considers necessary to enable the ~~bureau~~ **secretary of state** to determine fully the following information:
 - (A) The qualifications and eligibility of the applicant to receive the license.

C
o
p
y



(B) The location of each of the applicant's places of business in Indiana.

(C) The ability of the applicant to conduct properly the business for which the application is submitted.

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.

(c) An applicant who proposes to use the Internet or other computer network in aid of its sale of motor vehicles to consumers in Indiana, which activities may result in the creation of business records outside Indiana, shall provide the division with the name, address, and telephone number of the person who has control of those business records. The ~~bureau~~ **secretary of state** may not issue a license to a dealer who transacts business in this manner who does not have an established place of business in Indiana.

(d) This subsection applies to an application for a license as a dealer in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000). The application must include an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the ~~bureau~~ **secretary of state** may not issue a license until the applicant files the affidavit.

SECTION 20. IC 9-23-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A manufacturer, distributor, factory branch, distributor branch, or dealer proposing to sell new motor vehicles shall file and maintain with the ~~bureau~~ **secretary of state** a current copy of each franchise to which the person is a party, or, if multiple franchises are identical except for stated items, a copy of the form franchise with supplemental schedules of variations from the form.

SECTION 21. IC 9-23-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The license issued to a factory branch, a distributor branch, an automobile auctioneer, a transfer dealer, or a dealer under this chapter must specify the location of each place of business and shall be conspicuously displayed at each business location.

(b) If a business name or location is changed, the holder shall notify

C
O
P
Y



the ~~bureau~~ **secretary of state** within ten (10) days and remit the fee required under IC 9-29-8. The ~~bureau~~ **secretary of state** shall endorse that change on the license if the ~~bureau~~ **secretary of state** determines that the change is not subject to other provisions of this article.

(c) A dealer who uses the Internet or other computer network to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the ~~bureau~~ **secretary of state** within ten (10) days upon any change in the name, address, or telephone number of business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee required under IC 9-29-8-5.

(d) This subsection applies to a dealer in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000). A dealer who wants to change a location must submit to the ~~bureau~~ **secretary of state** an application for approval of the change. The application must be accompanied by an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The ~~bureau~~ **secretary of state** may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit.

(e) For the purpose of this section, an offsite license issued under section 7 of this chapter does not constitute a change of location.

SECTION 22. IC 9-23-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The license issued to a factory representative or distributor representative must state the name of the employer. Within ten (10) days after a change of employer, the holder shall mail the license to the ~~bureau~~ **secretary of state** and indicate the name and address of the holder's new employer. The ~~bureau~~ **secretary of state** shall endorse the change on the license and return the license to the licensee in care of the licensee's new employer. A factory representative, distributor representative, or wholesale dealer must have a license when engaged in business and shall display the license upon request. A temporary license for a factory representative or distributor representative may be issued for a period up to one hundred twenty (120) days pending investigation by the ~~bureau~~ **secretary of state** of the applicant's qualification for a license.

SECTION 23. IC 9-23-2-7, AS AMENDED BY P.L.63-2006,

C
o
p
y



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as provided in subsections (b) through (g), the ~~bureau~~ **secretary of state** shall issue an offsite sales license to a dealer licensed under this chapter who submits an application for the license not later than ten (10) business days or two (2) calendar weeks before the offsite sale date. License applications under this section shall be made public upon the request of any person.

(b) The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a dealer who does not have an established place of business within Indiana.

(c) The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a licensed dealer proposing to conduct the sale outside a radius of twenty (20) miles from its established place of business. This subsection does not apply to:

- (1) new manufactured housing dealers;
- (2) recreational vehicle dealers; or
- (3) a rental company that is a dealer conducting a sale at a site within twenty (20) miles of any of its company owned affiliates.

(d) A vehicle display is not considered an offsite sale if it is conducted by a new vehicle franchised dealer in an open area where no sales personnel and no sales material are present.

(e) The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a licensed dealer proposing to conduct the offsite sale for more than ten (10) calendar days.

(f) As used in this subsection, "executive" has the meaning set forth in IC 36-1-2-5. The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a licensed dealer if the dealer does not have authorization that the offsite sale would be in compliance with local zoning ordinances or other local ordinances. Authorization under this subsection may only be obtained from the following:

- (1) If the offsite sale would be located within the corporate boundaries of a city or town, the executive of the city or town.
- (2) If the offsite sale would be located outside the corporate boundaries of a city or town:
 - (A) except as provided in clause (B), the executive of the county; or
 - (B) if the city or town exercises zoning jurisdiction under IC 36-7-4-205(b) over the area where the offsite sale would be located, the executive of the city or town.

(g) The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a licensed dealer who has held more than three (3) nonconsecutive offsite sales in the year ending on the date of the offsite

C
o
p
y



sale for which the current license application is being submitted.

(h) The requirements of section 2(c) of this chapter do not apply to the application or issuance of an offsite sales license under this section.

SECTION 24. IC 9-23-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. A person who ceases a business activity for which a license was issued under this chapter shall do the following:

- (1) Notify the ~~bureau~~ **secretary of state** of the date that the business activity will cease.
- (2) Deliver all permanent dealer license plates and interim license plates issued to the person to the bureau within ten (10) days of the date the business activity will cease.

SECTION 25. IC 9-23-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. Except as provided in IC 9-29-1-5, all revenues accruing to the ~~bureau~~ **secretary of state** under this article shall be deposited in the motor vehicle highway account. All necessary expenses incurred and all compensation paid by the ~~bureau~~ **secretary of state** for administering this article shall be paid out of funds appropriated from the motor vehicle highway account for this purpose.

SECTION 26. IC 9-23-2-14, AS AMENDED BY P.L.210-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) A license issued under this chapter may be denied, suspended, or revoked for any of the following:

- (1) Material misrepresentation in the application for the license or other information filed with the ~~commissioner~~ **secretary of state**.
- (2) Lack of fitness under the standards set forth in this article or a rule adopted by the ~~commissioner~~ **secretary of state** under this article.
- (3) Willful failure to comply with the provisions of this article or a rule adopted by the ~~commissioner~~ **secretary of state** under this article.
- (4) Willful violation of a federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles.
- (5) Engaging in an unfair practice as set forth in this article or a rule adopted by the ~~commissioner~~ **secretary of state** under this article.
- (6) Violating IC 23-2-2.7.

Except as provided in subsection (d), the procedures set forth in IC 4-21.5 govern the denial, suspension, or revocation of a license and a judicial review. A denial, suspension, or revocation of a license takes

C
o
p
y



effect after the ~~commissioner~~ **secretary of state** makes a determination and notice of the determination has been served upon the affected person.

(b) If the ~~bureau~~ **secretary of state** denies, suspends, or revokes a license issued or sought under this article, the affected person may file an action in the circuit court of Marion County, Indiana, or the circuit court of the Indiana county in which the person's principal place of business is located, seeking a judicial determination as to whether the action is proper. The filing of an action as described in this section within the thirty (30) day period is an automatic stay of the ~~commissioner's~~ **secretary of state's** determination.

(c) Revocation or suspension of a license of a manufacturer, a distributor, a factory branch, a distributor branch, a dealer, or an automobile auctioneer may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

(d) A license may be denied, suspended, or revoked for violating IC 9-19-1. IC 4-21.5-4 governs the denial, suspension, or revocation of a license under this subsection. The ~~bureau~~ **secretary of state** may issue a temporary order to enforce this subsection.

SECTION 27. IC 9-23-2-16, AS ADDED BY P.L.156-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A person licensed under this article shall be issued a special event permit from the ~~bureau~~ **secretary of state** for a special event meeting the following conditions:

- (1) The event is a vehicle auction conducted by auctioneers licensed under IC 25-6.1-3.
- (2) The vehicles to be auctioned are:
 - (A) at least fifteen (15) years old; or
 - (B) classified as classic, collector, or antique vehicles under rules adopted by the ~~bureau~~ **secretary of state**.
- (3) At least one hundred (100) vehicles will be auctioned during the special event.
- (4) An application for a special event permit has been submitted to the ~~bureau~~ **secretary of state** not later than thirty (30) days before the beginning date of the special event.
- (5) The application is accompanied by the permit fee required under IC 9-29-8-6.5.

(b) Not more than two (2) special event permits may be issued by the ~~bureau~~ **secretary of state** within a twelve (12) month period to the same applicant.

SECTION 28. IC 9-23-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section

C
o
p
y



does not authorize a manufacturer or distributor and its franchisees in Indiana to establish a uniform hourly labor reimbursement rate effective for the entire state.

(b) It is an unfair practice for a manufacturer or distributor to fail to compensate to a dealer the posted hourly labor rate for the work and services the dealer is required to perform in connection with the dealer's delivery and preparation obligations under any franchise or fail to compensate to a dealer the posted hourly labor rate for labor and other expenses incurred by the dealer under the manufacturer's warranty agreements as long as the posted rate is reasonable. Judgment of the reasonableness includes consideration of charges for similar repairs by comparable repair facilities in the local area as well as mechanic's wages and fringe benefits.

(c) A manufacturer or distributor and at least thirty percent (30%) of its franchisees in Indiana of the same line make may agree in an express written contract citing this section to a uniform warranty reimbursement policy to be used by franchisees for the performance of warranty repairs. The contract must include the reimbursement for parts used in warranty repairs or the use of a uniform time standards manual, or both. The allowance for diagnosis within the uniform time standards manual must be reasonable and adequate for the work and service to be performed. The manufacturer or distributor shall have:

- (1) only one (1) agreement with each line make; and
- (2) a reasonable and fair procedure for franchisees to request a modification or adjustment of a standard included in the uniform time standards manual.

(d) A contract described in subsection (c) must meet the following criteria:

- (1) Establish a uniform parts reimbursement rate that must be greater than the manufacturer's or distributor's nationally established parts reimbursement rate in effect at the time the contract becomes effective. A subsequent contract must include a uniform reimbursement rate that is equal to or greater than the rate in the immediately prior contract.
- (2) Apply to all warranty repair orders written while the agreement is in effect.
- (3) At any time during the period the contract is in effect:
 - (A) be available to any franchisee of the same line make as the franchisees who entered into the contract with the manufacturer or distributor; and
 - (B) be available to the franchisee of the same line make on the same terms as apply to the franchisees who entered into the

**C
O
P
Y**



contract with the manufacturer or distributor.

(4) Be for a term not to exceed three (3) years.

(5) Allow any party to the uniform warranty reimbursement policy to terminate the policy with thirty (30) days prior written notice to all parties upon the annual anniversary of the policy, if the policy is for at least one (1) year.

(6) Remain in effect for the entire life of the original period if the manufacturer and at least one (1) franchisee remain parties to the policy.

(e) A manufacturer or distributor that enters into a contract with its franchisees under subsection (c) may only seek to recover its costs from a franchisee that receives a higher reimbursement rate, if authorized by law, subject to the following:

(1) Costs may be recovered only by increasing invoice prices on new vehicles received by the franchisee.

(2) A manufacturer or distributor may make an exception for vehicles that are titled in the name of a purchaser in another state. However, price increases imposed for the purpose of recovering costs imposed by this section may vary from time to time and from model to model and must apply uniformly to all franchisees of the same line make that have requested reimbursement for warranty repairs at a level higher than provided for in the agreement.

(f) A manufacturer or distributor that enters into a contract with its franchisees under subsection (c) shall do the following:

(1) Certify to the ~~bureau~~ **secretary of state** under oath, in a writing signed by a representative of the manufacturer or distributor, that at the time the contract was entered into at least thirty percent (30%) of the franchisees of the line make were parties to the contract.

(2) File a copy of the contract with the bureau at the time of the certification.

(3) Maintain a file that contains the information upon which the certification required under subdivision (1) is based for three (3) years after the certification is made.

SECTION 29. IC 9-23-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person who violates this article or a rule or order of the ~~bureau~~ **secretary of state** issued under this article is subject to a civil penalty of not less than fifty dollars (\$50) and not more than one thousand dollars (\$1,000) for each day of violation and for each act of violation, as determined by the court. All civil penalties recovered under this article shall be paid to the

C
o
p
y



state and deposited into the securities division enforcement account established under IC 23-2-1-15(c).

SECTION 30. IC 9-23-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. In addition to the penalty imposed under section 4 of this chapter, the bureau may revoke, **upon request of the secretary of state**, a dealer permanent or interim license plate that was issued to the violator.

SECTION 31. IC 9-23-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. Whenever a person violates this article or a rule or order of the ~~bureau~~ **secretary of state** issued under this article, the ~~bureau~~ **secretary of state** may institute a civil action in any circuit or superior court of Indiana for injunctive relief to restrain the person from continuing the activity or for the assessment and recovery of the civil penalty provided in section 4 of this chapter, or both.

SECTION 32. IC 9-23-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. At the request of the ~~bureau~~, **secretary of state**, the attorney general shall institute and conduct an action in the name of the state for:

- (1) injunctive relief or to recover the civil penalty provided by section 4 of this chapter;
- (2) the injunctive relief provided by section 6 of this chapter; or
- (3) both."

Page 27, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 53. IC 9-29-8-7, AS AMENDED BY P.L.156-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. All money collected by the ~~bureau~~ **secretary of state** from manufacturers, factory branches, distributors, distributor branches, dealers, automobile auctioneers, factory representatives, distributor representatives, wholesale dealers, transfer dealers, converter manufacturers, or brokers for licenses and permit fees under IC 9-23-2 shall be credited to the motor vehicle odometer fund and allocated under IC 9-29-1-5."

Page 36, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 61. IC 23-2-1-15, AS AMENDED BY P.L.48-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) This chapter shall be administered by a division of the office of the secretary of state. The secretary of state shall appoint a securities commissioner who shall be responsible for the direction and supervision of the division and the administration of this chapter under the direction and control of the secretary of state. The salary of the securities commissioner shall be paid out of the funds

C
o
p
y



appropriated for the administration of this chapter. The commissioner shall serve at the will of the secretary of state.

(b) The secretary of state:

(1) shall employ a chief deputy, a senior investigator, a senior accountant, and other deputies, investigators, accountants, clerks, stenographers, and other employees necessary for the administration of this chapter; and

(2) shall fix their compensation with the approval of the budget agency.

The chief deputy, other deputies, the senior investigator, and the senior accountant, once employed under this chapter, may be dismissed only for cause by the secretary of state upon ten (10) days notice in writing stating the reasons for dismissal. Within fifteen (15) days after dismissal, the chief deputy, other deputies, the senior investigator, and the senior accountant may appeal to the state personnel board. The state personnel board shall hold a hearing, and if it finds that the appealing party was dismissed for a political, social, religious, or racial reason, the appealing party shall be reinstated to the appealing party's position without loss of pay. In all other cases, if the decision is favorable to the appealing party, the secretary of state shall follow the findings and recommendations of the board, which may include reinstatement and payment of salary or wages lost. The hearing and any subsequent proceedings or appeals shall be governed by the provisions of IC 4-15-2 and IC 4-21.5.

(c) Fees and funds of whatever character accruing from the administration of this chapter shall be accounted for by the secretary of state and shall be deposited with the treasurer of state to be deposited by the treasurer of state in the general fund of the state. Expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. However;

(1) the costs of investigations recovered under sections 16(d) and 17.1(c) of this chapter; and

(2) civil penalties recovered under IC 9-23-6-4;

shall be deposited with the treasurer of state to be deposited by the treasurer of state in a separate account to be known as the securities division enforcement account. The funds in the account shall be available, with the approval of the budget agency, to augment and supplement the funds appropriated for the administration of this chapter. The funds in the account do not revert to the general fund at the end of any fiscal year.

C
o
p
y



(d) In connection with the administration and enforcement of the provisions of this chapter, the attorney general shall render all necessary assistance to the securities commissioner upon the commissioner's request, and to that end, the attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the securities commissioner as the demands of the securities division shall require. Expenses incurred by the attorney general for the purposes stated in this subsection shall be chargeable against and paid out of funds appropriated to the attorney general for the administration of the attorney general's office.

(e) Neither the secretary of state, the securities commissioner, nor an employee of the securities division shall be liable in their individual capacity, except to the state, for an act done or omitted in connection with the performance of their respective duties under this chapter.

(f) The commissioner, subject to the approval of the secretary of state, may adopt rules, orders, and forms necessary to carry out this chapter, including rules and forms concerning registration statements, applications, reports, and the definitions of any terms if the definitions are consistent with this chapter. The commissioner may by rule or order allow for exemptions from registration requirements under sections 3 and 8 of this chapter if the exemptions are consistent with the public interest and this chapter.

(g) The provisions of this chapter delegating and granting power to the secretary of state, the securities division, and the securities commissioner shall be liberally construed to the end that:

- (1) the practice or commission of fraud may be prohibited and prevented;
- (2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured; and
- (3) the qualifications may be prescribed to assure availability of reliable broker-dealers, investment advisers, and agents engaged in and in connection with the issuance, barter, sale, purchase, transfer, or disposition of securities in this state.

It is the intent and purpose of this chapter to delegate and grant to and vest in the secretary of state, the securities division, and the securities commissioner full and complete power to carry into effect and accomplish the purpose of this chapter and to charge them with full and complete responsibility for its effective administration.

(h) It is the duty of a prosecuting attorney, as well as of the attorney general, to assist the securities commissioner upon the commissioner's

**C
O
P
Y**



request in the prosecution to final judgment of a violation of the penal provisions of this chapter and in a civil proceeding or action arising under this chapter. If the commissioner determines that an action based on the securities division's investigations is meritorious:

(1) the commissioner or a designee empowered by the commissioner shall certify the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed;

(2) the commissioner and the securities division shall assist the prosecuting attorney in prosecuting an action under this section, which may include a securities division attorney serving as a special deputy prosecutor appointed by the prosecuting attorney;

(3) a prosecuting attorney to whom facts concerning fraud are certified under subdivision (1) may refer the matter to the attorney general; and

(4) if a matter has been referred to the attorney general under subdivision (3), the attorney general may:

(A) file an information in a court with jurisdiction over the matter in the county in which the offense is alleged to have been committed; and

(B) prosecute the alleged offense.

(i) The securities commissioner shall take, prescribe, and file the oath of office prescribed by law. The securities commissioner, the chief deputy commissioner, and each attorney or investigator designated by the commissioner are police officers of the state and shall:

(1) have all the powers and duties of police officers in making arrests for violations of this chapter, or in serving any process, notice, or order connected with the enforcement of this chapter by whatever officer or authority or court issued; and

(2) comprise the enforcement department of the division;

and are considered a criminal justice agency for purposes of IC 5-2-4 and IC 10-13-3.

(j) The securities commissioner and each employee of the securities division shall be reimbursed for necessary hotel and travel expenses when required to travel on official duty. Hotel and travel reimbursements shall be paid in accordance with the travel regulations prescribed by the budget agency.

(k) It is unlawful for the secretary of state, the securities commissioner, or the securities division's employees to use for personal benefit information that is filed with or obtained by the securities division and that is not made public. No provision of this chapter authorizes the secretary of state, the securities commissioner, or the

C
o
p
y



employees of the securities division to disclose information except among themselves, or when necessary or appropriate, in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from a privilege that exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the secretary of state, the securities commissioner, or the securities division or its employees.

(l) The commissioner may honor requests from interested persons for interpretative opinions and from interested persons for determinations that the commissioner will not institute enforcement proceedings against specified persons for specified activities. A determination not to institute enforcement proceedings must be consistent with this chapter. A person may not request an interpretive opinion concerning an activity that:

- (1) occurred before; or
- (2) is occurring on;

the date that the opinion is requested. The commissioner shall charge a fee of one hundred dollars (\$100) for an interpretative opinion or determination."

Page 37, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 64. [EFFECTIVE JULY 1, 2007] The rules adopted by the bureau of motor vehicles before July 1, 2007, concerning:

- (1) IC 9-23-1;**
- (2) IC 9-23-2;**
- (3) IC 9-23-3; and**
- (4) IC 9-23-6;**

are considered, after June 30, 2007, rules of the secretary of state."

Re-number all SECTIONS consecutively.

(Reference is to ESB 463 as printed April 6, 2007.)

AUSTIN

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 463 be amended to read as follows:

Page 11, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 12. IC 9-18-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsection (b), a license plate issued under section 30 of this chapter:

ES 463—LS 7579/DI 96+



C
o
p
y

- (1) must be six (6) inches wide and twelve (12) inches long;
- (2) must display:
 - (A) the registration number assigned to the vehicle for which the plate is issued;
 - (B) the letters "IN"; and
 - (C) the year for which the plate is issued;
- (3) may have a prefix of at least one (1) letter of the alphabet to designate the type of vehicle registered; and
- (4) shall be treated with special reflective material designed to increase the visibility and legibility of the license plate.

The bureau must comply with section 36 of this chapter.

(b) The bureau may issue license plates in a different size or character if the bureau determines that the change is appropriate to effect the proper display of the license plates.

SECTION 13. IC 9-18-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) A license plate issued for a passenger car must display a numeral that indicates the county in which the passenger car was registered.

(b) The numeral described in subsection (a) must be:

- (1) two and three-quarters (2 3/4) inches high; and
- (2) displayed at the location on the license plate where the county designator was located on January 1, 2007.

The bureau may not alter the size or the position of the county indicator numeral."

Re-number all SECTIONS consecutively.

(Reference is to ESB 463 as printed April 6, 2007.)

RESKE

C
o
p
y

